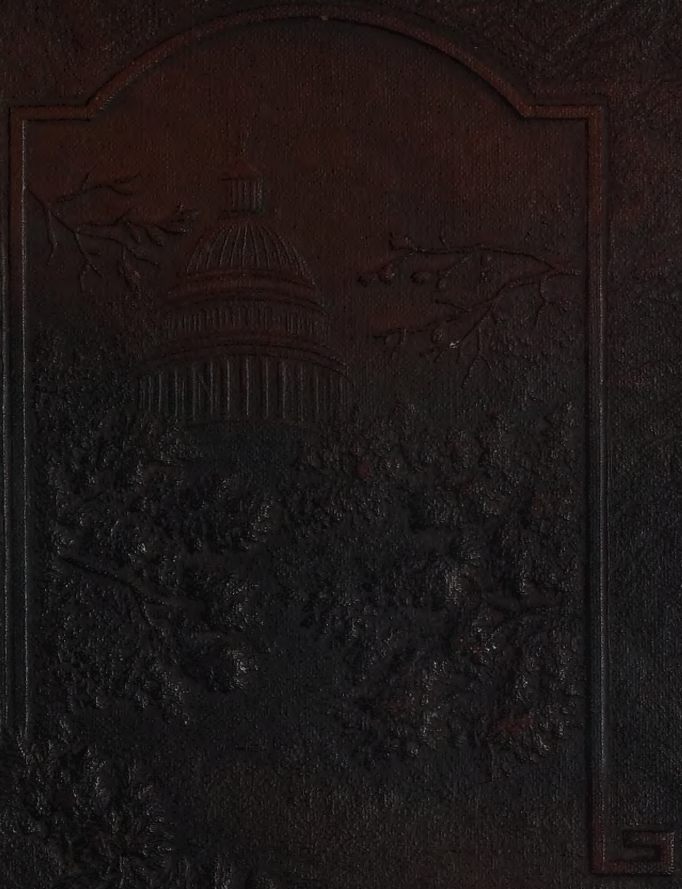

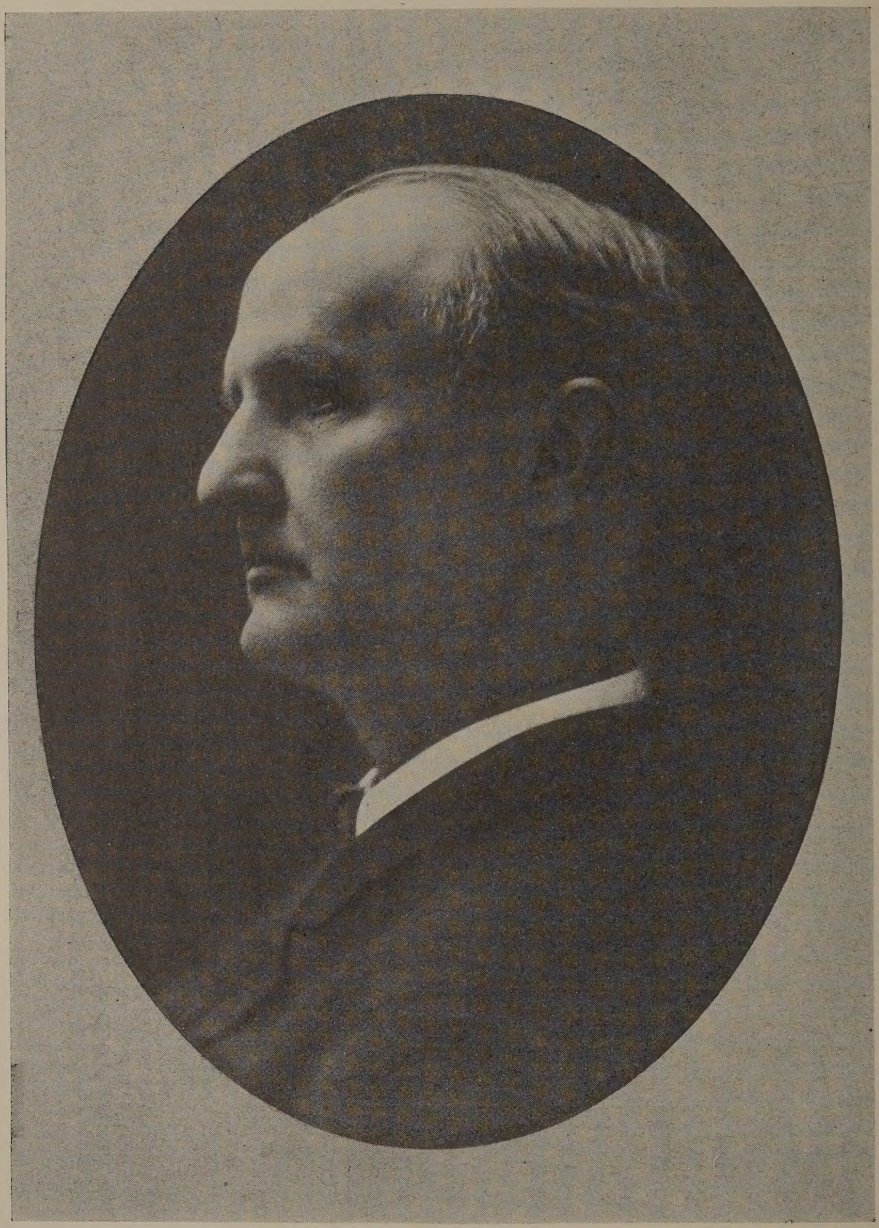

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NORTH CAROLINA

REBUILDING AN ANCIENT COMMONWEALTH

1584-1925

By

R. D. W. CONNOR

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CHAPTER XXVII

HUMANITARIAN REFORMS

Parallel with the development of liberalized political institutions and popular education in North Carolina, and as a phase of the same general movement, there developed a strong humanitarian spirit which manifested itself in a new attitude toward the unfortunate, the criminal, and the weak.[1] Prior to the second quarter of the nineteenth century, North Carolina accepted no responsibility as a state for the care of the deaf, the blind, and the insane. Since crime was supposed to spring from the deliberate wickedness and depravity of the criminal, the criminal law, which was designed to punish not to reform, was characterized by extreme severity and brutality. Women were still regarded as the weaker sex, and the law of the state as well as the law of society made them dependent upon men for their position in society and subject to men's control both in their persons and their property. The negro, slave and free, was reduced to a plane but little above that of the lower animals; the slave had no legal rights, while the free negro was universally regarded as an anomaly and a menace. During the second and third quarters of the nineteenth century the new democratic movement, which has been traced in politics and education, produced a new attitude toward these social groups which, except in the case of the negro, found expression in the legislation of the period.

The Education of the Deaf and the Blind

In his report of 1817 Archibald D. Murphey included "An Asylum for the Deaf and Dumb" as an integral part of his

[1] See also Ashe, *History of North Carolina*, II, *passim*, and Boyd, *History of North Carolina*, especially chs. V, X, XI, and XIII.

public school system.[2] The Legislature, however, did nothing and a decade later private philanthropy undertook to supply the need. In 1827 the North Carolina Bible Society, inspired by the work of Gallaudet, organized "The North Carolina Institution for the Instruction of the Deaf and Dumb," with the governor as president. Interest in the movement was stimulated by an address before the society and members of the Legislature, by President Caldwell of the State University; but although the reporter declared that he convinced his hearers "of the expediency and duty [of the state] of contributing to the erection of such an Institution," all that the Legislature could be induced to do was to grant the society a charter. This particular movement seems to have exhausted itself in a memorial to Congress asking for a grant of public land such "as has been granted to similar Institutions in other States"; the bill making the grant passed the Senate but was allowed to die in the House of Representatives.[3] However, by this time sufficient interest in the subject had been stimulated throughout the country to induce the director of the census to include statistics of the deaf and the blind in the census of 1830. The report on North Carolina showed,

	Whites	*Negroes*	*Total*
Deaf	194	79	273
Blind	215	157	372

The publication of these figures stirred the Raleigh *Register* to urge a renewal of the movement for a school, but the public was too much absorbed in other things, and the suggestion of the *Register* fell flat.[4] Public sentiment developed slowly and was not strong enough to find expression in the common school law of 1839.

Fortunately, among those whose interest had been aroused was John M. Morehead who, in 1840, was elected governor of North Carolina. During his two administrations, 1841-1845,

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[2] Hoyt, *Papers of Archibald D. Murphey*, II, 82-83.

[3] Coon, *Public Education in North Carolina*, I, 379-382.

[4] *Ibid*, 526-527.

Governor Morehead placed himself in the forefront of the progressive leaders of the state. His state papers have more of the ring of modernity than those of any other North Carolina governor prior to Aycock. Among the subjects discussed in his message of 1842 was the duty of the state to provide for the education of the deaf and the blind. "The progress of civilization, sanctioned by the dictates of humanity," he wrote, "would seem to appeal to public liberality for the establishment of Asylums for the use and benefit of the Deaf, Dumb, and Blind."[5] He might as well have spoken to the closed ears of those for whom he pled! Nothing daunted, in 1843 he conducted a correspondence with W. D. Cooke, principal of a school for the deaf and the blind at Staunton, Virginia, from whom he sought information for the enlightenment of the next Legislature. This correspondence he caused to be laid before the Presbyterian Synod, meeting in Raleigh, in March, 1844, and that body promptly adopted a strong resolution endorsing his ideas. Thus armed he was ready to return to the attack when the Legislature met November 18, 1844.

In his message of 1844, Governor Morehead repeated his recommendation of 1842. By this time, however, he had learned the futility of gubernatorial messages, so he had prepared a much more powerful plea, i. e., a practical demonstration before the Legislature of the methods and results of the education of the deaf and the blind given by a class which Cooke brought to Raleigh from the Staunton institution for that purpose. This demonstration convinced even the doubting Thomases; the Legislature accordingly passed an act establishing the proposed school, to the support of which it appropriated $5,000, to be supplemented by a local tax levy in each county of $75 per student from the county.

Cooke was elected the first principal and served as such until 1860. He opened the school at Raleigh May 1, 1845, with seven deaf pupils in attendance; by the close of the session the number had increased to seventeen. Inability to procure qualified teachers for the blind, and the hesitancy of parents to send

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[5] Konkle, *John Motley Morehead*, 253.

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their blind children away from home, made it necessary to postpone the establishment of the department for the education of the blind until 1851. An experience of two years convinced the Legislature of the necessity for the school and in 1847 it made an appropriation of $10,000 for a permanent building, which was erected in 1849 on Caswell Square in Raleigh. The building actually cost $15,000, the additional $5,000 being paid out of unexpended annual appropriations. In 1854 the school received a bequest of $6,000 from the estate of John Kelly. In the establishment of this institution North Carolina took her first step in the development of a modern system of public charities and from this policy she has since made no departure.

The Care of the Insane

In both his messages to the Legislature Governor Morehead coupled an asylum "for the protection of the unfortunate Lunatic" with the school for the deaf and the blind; but in the act of 1845 providing for the latter the Legislature made no provision for the former. Governor Graham followed in 1846 with a similar recommendation and a similar result.

With the asylum for the insane as with the school for the deaf and the blind, it was the voice of a stranger that turned the tide. In 1848 Dorothea L. Dix, of Massachusetts, who had devoted her life to the cause of the insane, came to North Carolina on a mission in their behalf.[6] Her long experience in dealing with legislative bodies, in America and in Europe, had taught her the importance of exact and complete information in successful lobbying; accordingly her first task was to collect the facts about the insane in North Carolina. To this task she devoted ten weeks of labor, traveling from county to county and personally investigating cases and conditions. The results were truly startling. She found in North Carolina more than one thousand persons classed as lunatics, who were cared for by four different methods: (1) Some were sent to private hospitals in other states, but this method was too expensive for

[6] Tiffany, *Life of Dorothea Lynde Dix*, ch. XIII.

people of moderate means; (2) Some were cared for by their own families, but this was often dangerous and led to mistreatment of the unfortunate ones; (3) Some were locked up in filthy and comfortless rooms and cages of county poorhouses, where they suffered inconceivable wretchedness; (4) Others were chained to the floors of cells and dungeons of county jails, where they were treated more like wild beasts than human beings. Many of them could have been cured had they been properly treated, and all of them suffered tortures, disgraceful to a civilized people.

These facts, substantiated by undeniable evidence, Miss Dix embodied in a memorial of great power and eloquence which she presented to the Legislature of 1848-49, with a request for an appropriation of $100,000 for the erection of a hospital.[7] The memorial was strongly endorsed by Governor Graham. "I can not too earnestly commend the cause itself," he wrote in his annual message, "or the disinterested benevolence of its advocate."[8] But Graham was a Whig, the two parties were tied in both Houses of the Legislature, and the Democrats, elated by their gains in the election of 1848 and confidently expecting victory in 1850 on the free suffrage issue, were unwilling to hazard their chances by voting for increased taxes. The prospects of success for Miss Dix's memorial, therefore, were rather gloomy. However, ten years of experience with legislative bodies had taught her all the tricks of the successful lobbyist and these she was now ready to draw upon. Describing her methods in a letter to a friend, she wrote:

> They say "Nothing can be done here." I reply, "I know no such word in the vocabulary I adopt." It is declared that no word will be uttered in opposition to my claims, but that the Democrats, having banded as a party to vote for nothing that involves expense, will unite and silently vote down the bill. A motion was made to order the lighting of the lamps in the portico of the Capitol, and voted down by the Democrats. "Ye love darkness because your deeds are evil," said a Whig in great

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[7] Her "Memorial" is printed in full in *Public Documents*, 1848.

[8] *Journals of the Legislature*, 1848-1849, 380.

ire; and a voice from the gallery responded piously, "For ye are of your father, the devil."

This morning after breakfast several gentlemen called, all Whigs, talked of the hospital, and said the most discouraging things possible. I sent for the leading Democrats; went to my room and brought my memorial, written under the exhaustion of ten weeks' most fatiguing journeys and labors. "Gentlemen," I said, "here is the document I have prepared for your Assembly. I desire you, sir, to present it," handing it to a Democrat popular with his party, "and you, gentlemen," I said, turning to the astonished delegation, "you, I expect, will sustain the motion this gentleman will make to print the same."[9]

The "Democrat popular with his party" was John W. Ellis, afterwards governor of North Carolina. His motion to print was carried, but the Democrats would go no further, and voted to strike out of the bill, which a joint committee on the memorial had reported, the section to appropriate $100,000 for a state hospital. Two days later a Whig member introduced in the Commons an amendment to levy a tax of 2½ cents on the $100 valuation of land and 7½ cents on the poll to raise funds for the proposed institution, but it too was defeated. On December 22 a new advocate appeared in James C. Dobbin, Democratic leader of the Commons, who had been absent when the votes were taken on the above mentioned measures. Ordinarily Dobbin, as a strict party man, would have fallen in line with the policy of his party, but his interest in this particular measure had been enlisted by a peculiar circumstance. His wife, who had been desperately ill at the Mansion House in Raleigh, had received numerous attentions from Miss Dix. In gratitude for these services Mrs. Dobbin appealed to her husband to support the asylum bill and received his promise. She died December 18 and four days later Dobbin returned to his seat in the Commons. Procuring a reconsideration of the bill, he offered an amendment which provided for raising the necessary money by a tax of 1¾ cents on the $100 valuation of land and 5¼ cents on the poll to be levied and collected for a period of four years. Supporting his proposal with an impassioned appeal, traditions

[9] Quoted from Tiffany, *Life of Dorothea Lynde Dix*, 134.

of which still linger about the Capitol, he won a great triumph and secured the passage of his amendment by a vote of 91 to 10. A few days later it passed the Senate without a division.

A beautiful hill near Raleigh was selected for the site of the hospital and appropriately named Dix Hill. The cornerstone of the first building was laid in May, 1850; in September Dr. Edward C. Fisher, who had had experience with such an institution at Staunton, Virginia, was elected superintendent; and in 1856 the first patients were admitted. The Legislature having embarked upon this work proved unexpectedly liberal towards it. In 1852 the tax levied under the Dobbin amendment for four years was continued for three years more. At the expiration of the period the Legislature made a direct annual appropriation of $20,000 for support, which in 1858 was increased to $25,000.

The Criminal Code

The same ideals which brought the state's system of public charities into existence, made themselves felt in the domain of the criminal law. American criminal law was an inheritance from seventeenth-century England, and was based on the common law and its statutory modifications. Punishments for crimes included death, mutilation, branding, imprisonment, fines, pillory and stocks, the ducking stool, and whipping. The object of the criminal law was to punish the criminal for wrongs done to society, not to reform him, and punishments, accordingly, were severe and brutal. In eighteenth-century England the death penalty was inflicted for more than 200 offenses, many of which were of the most trivial character. "Gruesome pictures have come down to us of English methods in the inflicting of punishment, and the law books furnish strong corroboration of the most sensational fiction."[10]

"Both in law and practice, North Carolina was the daughter of her mother."[11] As an English colony her criminal code was permeated with the spirit of the common law, and as an inde-

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[10] Pittman, "History of Crimes and Punishments in North Carolina," (*Bulletin No. 22 of the N. C. Hist. Com.*, 79).

[11] Pittman, *loc. cit.*

pendent state one of her earliest statutes declared that "All such parts of the common law as were heretofore in force and use within this State," and were still applicable to her changed status, were to continue "to be in full force within this State." Accordingly all the common law punishments, long after independence was won, were known to the North Carolina law. The death penalty was inflicted not only for such felonies as murder, arson, burglary, and rape, but also for participation in a duel, as principal or second, which had a fatal ending; for bigamy; for stealing a slave, or inducing a slave to run away; for publishing or knowingly circulating printed matter designed to incite slaves to insurrection; for counterfeiting, forgery, horse-stealing, and house-breaking. Extreme brutality often characterized the infliction of the death penalty. Death at the stake was practiced in North Carolina after the Revolution. In 1787 in Duplin County, a negro convicted of the murder of his master was sentenced to be "tied to a Steak on the Court House lott and there burned to Death and Ashes," and the records of the court show that the sentence was duly executed.[12] The scarcity and insecurity of jails and the expense to the public of imprisonments made corporal punishments popular with the lawmakers; every county was required by law to maintain stocks and a whippingpost. Branding and mutilation were often inflicted. A person convicted of bigamy might escape the death penalty by pleading benefit of clergy and submitting to be branded with a B on the left cheek. The punishment for manslaughter of a person pleading benefit of clergy was the branding of an M on the left thumb; for any other felony the left thumb was to be branded with a T. For perjury the offender was fined $1,000 and required to

> stand in the pillory for one hour, at the expiration of which time both ears . . . shall be cut off and severed entirely from the head, and the ears so cut off shall be nailed to the pillory . . . and there remain until the setting of the sun; and the person so offending shall be rendered thereafter incapable of giving testimony in any of the courts of this State.[13]

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[12] Pittman, *op. cit.*, 79-80.

[13] *Revised Statutes*, ch. XXXIV, sec. 50.

"There are frequent instances in our records," writes an eminent authority, "of mutilation of a character not to be mentioned in this company, and one case in which Dr. Anthony Newton was paid for amputating the hand of John Burnett, 'a notorious felon.' "[14]

Of a similar nature although not actually a part of the criminal code was the debtor law. At common law the debtor was subject to imprisonment at the will of the creditor until the debt was paid. However, a North Carolina statute so modified the common law as to allow an honest insolvent debtor to be released after twenty days imprisonment upon taking an oath before the court "that he hath not the worth of ten dollars in any worldly substance," over and above a few necessary household articles, and "that he had not since imprisonment disposed of any of his estate."[15] It should be observed that imprisonment for debt did not necessarily carry any implication of fraud.

The most noted case of imprisonment for debt in the history of North Carolina was that of Archibald D. Murphey in 1829. Carried away by his enthusiasm for internal improvements and his faith in the future development of the state, Murphey had invested heavily in various enterprises, the failure of which completely wiped out his fortune and left him overwhelmingly in debt. Most of his creditors manifested the utmost leniency towards him, but one less patient than the others forced him to seek relief in the debtor law and the venerable judge was imprisoned in the common jail at Greensboro. "At the end of twenty days the prisoner took the oath that he was 'not worth forty shillings in any earthly substance,' and was turned loose upon a country to which he had rendered his best services, whose high places his occupancy had adorned, and whose interests were cherished as his own."[16]

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[14] Pittman, *op. cit.*, 82

[15] Boyd, *History*, 257; Hoyt, *Papers of Archibald D. Murphey*, II, 435, note.

[16] Article on Judge Murphey by Lyndon Swaim, editor of the Greensboro *Patriot*, 1839-1854. The article appeared in the Greensboro *Patriot* January 19, 1883. Reprinted in Hoyt, *op. cit.*, II, 431-437.

Reforms in the Criminal Law

The power of property in the government under the Constitution of 1776 may account to a certain extent for the severity of the punishments for crimes against property. Coincident with the development of democratic ideals, therefore, came a reaction against the brutality of the penal code and a realization of the absurdity and injustice of the debtor law. This reaction, however, showed itself in the attitude of the public toward law enforcement long before it found expression in legislative enactments. So out of proportion to the offenses were the penalties of the criminal code that injured persons often refused to prosecute, juries hesitated to convict, and governors issued pardons freely. It is interesting to note, as further evidence of his liberal and enlarged views, that among the first to advocate reform was Archibald D. Murphey. Murphey frankly urged governors to use their pardoning power freely to mitigate the severity of the law. In most of the cases in which he was interested he acted less in the capacity of a retained attorney than in that of a social reformer. For instance, in an application to the governor for a pardon for a horse-thief under sentence of death, to whose defence he had been assigned by the court, he wrote:

> This Case has nothing peculiar, which we could point out as furnishing a Ground for Clemency, distinct from the Common Cases of Horse-Stealing: But Your Petitioners entertain the Belief that the Punishment affixed by Law to this Offense is too severe, and however much the Situation of the Country many Years ago rendered such Severity necessary, that the Morality and improved Humanity of the Citizens of the State at this Time, have dispensed with such Necessity. Your Petitioners beg leave further to add, that the Frequency of Pardons granted for this Offense seems not to have produced any ill effect in the State, but has been approved of by the Judgment as well as the Feelings of all the Community.[17]

In a personal letter to Governor Miller, written in reference to another case, Murphey stated his general position on such

[17] Hoyt, *Papers of Archibald D. Murphey*, I, 86.

pardons in the following words: "Whilst we have no Penitentiary, I wish to see Pardons granted, except for the most atrocious Crimes. I am well convinced that Not only the Feelings but the good Sense of the People at large approve of such Pardons."[18]

There is ample evidence that Murphey did not overstate the case. Gradually the idea dawned upon thoughtful persons that the penalty for crime should be based quite as much upon the idea of the reformation as of the punishment of the offender and that imprisonment would better serve this purpose than death or corporal punishment. As early as 1791 a bill to erect a state penitentiary was introduced in the Legislature, but defeated; in 1805 another such bill was defeated by the casting vote of the speaker of the Senate.[19] In 1816 Murphey introduced a penitentiary bill which was defeated, being "sacrificed . . . to the Jealousy which exists between this Place [Raleigh] and Fayetteville."[20] In other measures of reform introduced at the same session, he was more successful, securing the passage of bills to improve the conditions of jails and to abolish branding. It is interesting, in view of subsequent events, to note that in 1816 he introduced a bill to abolish imprisonment for debt, which was defeated. For a generation public sentiment ran ahead of legislative enactment. The severity of the law was mitigated not so much by statutes as by the action of jurors, judges, and governors. In his message of 1842, Governor Morehead urged the Legislature to provide for the erection of a penitentiary, saying:

The establishment of a Penitentiary, in this State, has long been a matter of discussion, and it is probable, by this time, that Public opinion has determined upon its expediency. I therefore direct your attention to the subject. Long experience in the practice in the Criminal Courts has satisfied me, that offenders are often permitted to escape from a laudable humanity in Jurors, who look upon the severity and ignominy of the punishment that awaits the culprit, upon a verdict of Guilty, until their

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[18] Hoyt, *op. cit.*, I, 87.

[19] *Ibid*, I, 85, note.

[20] Murphey to Ruffin, Raleigh, December 22, 1816. *Ibid*, I, 91.

kindlier feelings conjure up doubts enough to justify a conscientious acquital. It is believed that a few years apprenticeship in a Penitentiary, substituted for the present mode of punishment, would cause many a verdict to more nearly approximate the truth.[21]

The Legislature refused to act but two years later the governor returned to the charge with better results. The Legislature of 1844-45 took enough interest in the subject to instruct the incoming governor, Graham, to obtain and publish information of the experience of other states "in which Penitentiaries are now established," and to order a referendum on the establishment of such an institution in North Carolina, to be taken at the regular state election in 1846. The decision of the people, by a very small vote, was against the proposal.

The agitation, however, was not without results. An act of 1823 forbade the imprisonment of a woman for debt, while other acts passed in 1823, 1844, and 1848 greatly modified the debtor law in favor of the honest debtor. In 1837 the Legislature repealed the law which made house-breaking in the day time a felony punishable by death. Benefit of clergy was extended to women by an act of 1845 and ten years later imprisonment was substituted for the corporal punishment of women offenders. A similar tendency toward amelioration of the severities of the criminal law is seen in decisions of the Supreme Court. Typical of such decisions are the famous cases of *State vs. Will* and *State vs. Manuel,* which are discussed in another connection.

The final fruition of the movement for penal reform may be seen in the provisions of the Constitution of 1868. That document, recognizing the principle that "the object of punishment being not only to satisfy justice, but also to reform the offender,"[22] declares that the only punishments to be "known to the laws of this State," shall be death, imprisonment, fines, and removal from office and disqualification for holding office. It provides that the death penalty shall be inflicted for four crimes only,

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[21] Konkle, *John Motley Morehead,* 253-254.

[22] Art. IX, Sec. 2.

murder, arson, burglary, and rape. It directs the Legislature to erect a penitentiary and abolishes all corporal punishments for crime; and it forbids imprisonment for debt. The fact that this document "is distinguished throughout by a high regard for human liberty, and generally for its humanitarian spirit" is due, in part at least, to the movement which we have just traced.[23]

The Rights of Women

The changing ideals also affected the position of women, particularly with regard to their property rights. In the polity of the state women were assigned a place of marked inferiority to men; the state assumed no responsibility for their higher education; they were of course denied any political rights; and in the eyes of the law the personality of the married woman was merged in that of her husband whose control over her person, her children, and her property was even more complete than his control over his minor children. Sex made no difference in the punishments for crime, which were usually enforced against women as brutally and inexorably as against men. The "penalty of death at the stake for slaying her husband who was exercising his right of correction was imposed on a woman in Iredell County in 1787."[24]

Early in the nineteenth century public sentiment began to undergo a change. Murphey, urging the governor to pardon a woman under sentence of death for burglary, declared, "The Idea of seeing a handsome Woman, the Mother of twelve children, hanged by the Neck, is so revolting to the Feelings, that Nothing short of the most dreadful Necessity can reconcile us to it."[25] This feeling found some slight reflection in the legislation of the period. An act of 1823 forbade the imprisonment of women for debt; an act of 1845 admitted women to the benefit of clergy; and an act of 1855 forbade the branding and whipping of women.

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[23] Pittman, "Crimes and Punishments," *op. cit.*, 83.

[24] Boyd, *History*, 259.

[25] Hoyt, *Murphey Papers*, I, 87.

These modifications of the criminal code with respect to women of course affected but few of the sex and are of interest chiefly as indicating the trend of the best thought of the period. Far more important was the legislation affecting the property rights of women. Under the common law all the personal property of the wife owned during coverture "became actually or potentially the absolute property of the husband."[26] The husband was entitled also during coverture to an estate in all his wife's land. He could appropriate the rents and profits to his own use and could alienate her lands, without her consent, for a period not exceeding coverture; upon birth of issue capable of inheriting her lands the husband immediately became the owner of a life estate in them and could alienate them for a period of his life. The wife on the other hand could not convey her lands during coverture even with the consent of the husband.

Beginning with 1816 the Legislature passed a series of laws designed to enlarge the property rights of women. An act of 1816 secured to the wife who had divorced her husband from bed and board whatever property she subsequently obtained from any source. In 1823, as already stated, women were exempt from imprisonment for debt, and in 1844 married women were granted the right to act as executors without bonds given by their husbands. Most important of all was the statute of 1848 which deprived the husband of the right to alienate his wife's land without her consent. The effect of this changing attitude toward the rights of women may be seen in the Constitution of 1868 which makes the wife "the owner of her property, real and personal, with no interest, power, or control of her husband, except that she cannot convey her real estate without his written consent."[27]

Tightening the Slave Code

One class of North Carolina's population reaped no benefits from the spirit of the new era—the negroes.[28] Before 1830, as

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[26] Mordecai, *Law Lectures*, 293-294.

[27] *Ibid*, 294.

[28] See Bassett, *Slavery in the State of North Carolina* (J. H. U. Studies, Series XVII, Nos. 7-8); his *Anti-Slavery Leaders of North Caro-*

we have seen, there was a strong anti-slavery sentiment in North Carolina which made itself felt in legislation. The further development of this sentiment was checked by certain events which marked the decade of the twenties. Among them were the development of the textile industry in New England and the opening of the great cotton areas of the Gulf region in the South. The result was the coronation of King Cotton and "the triumph of the cotton aristocracy," whose social, economic and political supremacy became intimately involved in the maintenance of slavery. In the North Carolina Legislature during the decade of the twenties the pro-slavery interests made numerous efforts to tighten up the slave code. They presented measures to restrict the activities and movements of slaves, to forbid their education, to restrain their relations with free negroes, to strengthen the patrol system, and to outlaw emancipation societies, but in every case they met defeat. Before 1830 North Carolina apparently accepted slavery because it actually existed but was unwilling to do anything to perpetuate the institution.

It may be doubted, therefore, whether the demands of King Cotton would have led of themselves to restrictive legislation had they not come coincidently with the rise of the abolition movement in the North. It was the resentment of the South at the activities of the abolitionists and the ever-present fear of slave insurrections, that enabled the pro-slavery advocates to dominate southern thought on the question. The very suggestion of a slave insurrection threw the average southern community into a paroxysm of terror, and most southerners sincerely believed it to be the purpose of the abolitionists to stir up such uprisings. The pro-slavery advocates encouraged this belief. Unfortunately, during the decade of the twenties in North Carolina the air was full of recurrent rumors of slave conspiracies and the period had scarcely closed when the Nat Turner insurrection occurred. Traditions still linger of the excitement

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lina (*ibid,* Series XVI, No. 6); and his *North Carolina Methodism and Slavery* (Trinity Coll. His. Soc. Papers, Series IV); Weeks, *Southern Quakers and Slavery;* and Weaver, *North Carolina Manumission Society* (Trinity Coll. Hist. Soc. Papers, Series I).

and terror of the whites during this insurrection as one wild rumor of arson, murder, and rape followed another. The conditions in communities immediately affected may be easily imagined when we recall that communities as remote from the scene of trouble as Raleigh and Wilmington called their active available white male population to arms and that Wilmington in the excitement of the moment actually captured and shot a dozen perfectly innocent negroes. It is not surprising that the anti-slavery sentiment rapidly gave way before the increasing demands of the rising pro-slavery power.

The year 1830, therefore, may be taken as the turning point in the struggle. Beginning with that date "the conditions of slavery became more severe. One law after another was passed which bore hardly on the slave, until at last he was bound hand, foot, and brain in the power of his master. Moreover, public feeling became inflamed. Slavery could no longer be discussed as a public policy, and there arose with most people in the state a fervent intolerance of all views advanced against the system."[29]

In 1830 the governor laid before the Legislature an incendiary document, written by David Walker, a North Carolina negro living in Boston, entitled "Appeal in Four Articles," which was designed to incite the slaves to insurrection. It sent the passions of the legislators "to summer heat,"[30] and furnished the pro-slavery leaders with arguments that enabled them to force through the Legislature, often over the protests of the anti-slavery group, a series of restrictive laws. One of these laws imposed heavy penalties (death for the second offense) upon any person convicted of publishing or circulating, or bringing into the state for the purpose of publishing or circulating, any literature intended to incite slaves to rebellion or to conspiracy to rebel. Other acts forbade the teaching of slaves to read or write, the use of figures excepted; greatly restricted the right of emancipation and required emancipated slaves to leave the state, "never afterwards to come within the same"; increased the punishment for aiding or harboring runaway slaves; and

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[29] Bassett, *Slavery in the State of North Carolina*, 7.
[30] *Ibid*, 100.

in numerous ways tightened the discipline of slaves and restricted their movements. The powers and duties of the patrol were increased and the whole patrol system made more efficient. Following the Nat Turner insurrection the Legislature of 1831 forbade any negro, slave or free, to preach to or otherwise officiate at any public meeting of negroes, repealed the act of 1741 which authorized county courts to grant licences to certain negroes to carry guns, and greatly increased the discipline and efficiency of the militia.

Hostility to the Free Negro

During this same period there was manifested a steadily growing hostility to the free negro. This class of negroes originated in several sources, among them manumission for meritorious services, immigration, and the cohabitation of white women with negro men, whose children of course took the status of the mother. Their number had increased rapidly. In 1790 they numbered in North Carolina 4,975; in 1830, 19,543. Among slaveholders prejudice against them was deep seated; their very existence was a denial of the fundamental doctrine of negro slavery; and their influence with the slave was universally regarded as pernicious. Accordingly the pro-slavery leaders lumped them in with the slaves in the restrictive legislation of 1830 and 1831. Marriages between free negroes and whites, and between free negroes and slaves, were prohibited. Free negroes were forbidden to engage in games of chance with slaves; their right to peddle beyond their own counties was subjected to the control of the county court; and they were forbidden to teach or preach. Free negroes who left the state and remained away as long as ninety days were forbidden to return under penalty of fine and imprisonment, and manumitted slaves who did not leave the state within ninety days after their manumission, or who, having left, returned, could be sold into bondage.

Sentiment against the free negro reached its climax in the decision of the Convention of 1835, otherwise a liberal body, to deprive him of the ballot. The debate clearly reveals the line of cleavage between the liberal and the reactionary views on the

subject.[31] Many of the ablest men in the Convention came to the defence of the rights of the free negro. Ex-Governor John Branch thought that any free negro who owned a freehold worth $250 ought to possess the franchise in recognition of the rights of property. Others thought it good policy thus to differentiate between the negro freeman and the negro slave. Judge Daniel urged the Convention "to adopt such a course as would have a tendency to conciliate the most respectable portion of the coloured population and thereby give them a standing distinct from the slave population," on the theory that they "might be serviceable to us in case of any combination for evil purposes among their brethren in bondage." In a similar vein Judge Gaston argued that if they were protected in their right to vote they would regard themselves as "part of the body politic," "feel an attachment to the form of Government," "have a fixed interest in the prosperity of the community," and "exercise an important influence over the slaves." Judge Toomer took higher ground; since the Constitution had given free negroes the suffrage, he declared, "to abrogate that right would be tyranny; and the plea of policy could not alter the case, as that had, in all ages, been the cry of tyrants to justify their oppression." To those who argued that free negroes were not citizens and therefore not entitled to the rights of citizens, Emanuel Shober replied that it made no difference whether they were citizens or not, "they are human beings, are free agents, and have a free will," and, therefore, "are deserving of some consideration, and ought not to be cast off and thrown into the ranks of the slaves of our country."

Powerful as were these arguments, they could not turn the tide of anti-negro sentiment which was now at its full. Judge Gaston thought that he saw in the proposal to disfranchise free negroes "an indication of a disposition to force them down lower in the scale of degradation." The speeches of the proponents of disfranchisement furnish ground for the charge. A few of them discussed ably and dispassionately the status of the free negro under the Constitution. Weldon N. Edwards desired to know

[31] *Debates in the Convention of 1835, passim.*

whether the Bill of Rights, which declared that no person should be taxed except by his consent, applied to "our coloured freemen equally with the whites"; to which James W. Bryan replied that, "It embraced only free white men." Bryan held that free negroes were neither citizens nor freemen "within the meaning and operation of our Constitution." Macon, who was probably more familiar from personal association with the views of the framers of the Constitution than any other man in the Convention, asserted quite confidently that in 1776 "free persons of colour never were considered as citizens, and no one had a right to vote but a citizen." Other delegates made race prejudice the basis of their argument. Providence, they declared, had destined the negro to occupy an inferior position. One delegate declared with conviction that "however much coloured persons might be elevated, their color alone would prove a barrier to keep them in a degraded state." The negro "came here debased," declared another; "he is yet debased, and there is no sort of polish which education or circumstances can give him, which ever will reconcile the whites to an extension of the right of suffrage to the free negro." Negroes, it was argued, had neither the intelligence nor the integrity requisite to a proper use of the ballot. "With a little to drink, and some trifle, they could be 'bought like a lot of poultry.'" Moreover, one delegate declared, it was necessary to disfranchise the free negro in order to keep him in his place, for "the moment a free mulatto obtains a little property, and is a little favored by being admitted to vote, he will not be satisfied with a black wife. He will soon connect himself with a white woman."

These arguments prevailed; the Convention adopted the article disfranchising free negroes by a vote of 66 to 61. Many otherwise liberal men voted with the majority. If among the minority were found Branch, Morehead, Swain, and Gaston, among the majority were Richard Dobbs Spaight, Weldon N. Edwards, and Nathaniel Macon. The latter group undoubtedly represented the prevailing sentiment of the time.

The Supreme Court Conserves the Humanitarian Tradition

However, there was one tribunal in the state which, "at a time when the pro-slavery spirit was dominating public opinion, did much to conserve the humanitarian tradition"—the Supreme Court.[32] The Court showed "a decided tenderness" for the individual slave and endeavored as far as possible to mitigate the harshness of the slave code.[33] It held in 1841 that while the procedure of emancipation must follow the terms of the Emancipation Act of 1830, yet within those terms it was the policy of the state to encourage emancipation. A negro woman, therefore, once a slave, but who for thirty or more years had been reputed and treated as a free person, and her daughter and granddaughter, were held to have acquired freedom by prescription, the Court inferring a legal emancipation. In the case of a child of two years, liberated along with her mother, the Court held that the act of liberation, being by "a court of conclusive jurisdiction," could not be impeached by evidence to show that such a child could not have performed the "meritorious services" required by law. It upheld the contention of a negro reputed as a freeman but held as a slave to have his right to freedom tried by a jury. Nor would it allow technicalities of procedure, such as failure to file a petition for emancipation in writing, or having such a petition signed by the master's attorney instead of by the master himself, invalidate decrees of emancipation.

It was, however, in its efforts to protect the life of the slave that the Court reached the high watermark of its decisions dealing with slavery. In 1820 Chief Justice Taylor declared that if a white person killed a slave under circumstances which would have made the act murder if the victim had been a freeman, he could be tried for murder; and in 1823 the Court held that the killing of a slave might be tried as murder at common law. At the same term it was held that a battery on a slave, no justifying circumstances appearing, was an indictable offense; however, this principle did not apply to the conduct of

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[32] Boyd, *History*, 215-216.

[33] Bassett, *op. cit.*, 31.

a master or of one standing in the place of a master, toward his own slave. In *State vs. Mann,* Justice Ruffin, writing the opinion, declared that, "The power of the master must be absolute to render the submission of the slave perfect. . . . This discipline belongs to the state of slavery. . . . The slave, to remain a slave, must be made sensible that there is no appeal from his master; that his power is in no instance usurped; but is conferred by the laws of man at least, if not by the laws of God." In this opinion Ruffin took pains to state that he wrote as a judge, not as a man; "I must freely confess my sense of the harshness of this proposition," he said. "I feel it as deeply as any man can; and as a principle of moral right every person in his retirement must repudiate it. But in the actual conditions of things it must be so. There is no remedy. This discipline belongs to the state of slavery."

Fortunately, another great judge, less "brutally logical" than Ruffin, and inspired to a greater degree with "that genial spirit of progressive amelioration which should run through a legal development,"[34] soon found a way to mitigate the harshness of *State vs. Mann.* If the power of the master over his slave were absolute, as Justice Ruffin declared, could the slave when his life was threatened defend himself, and to what extent? This question was answered in Gaston's great opinion in *State vs. Will.* Will, a slave, killed his overseer in self-defence. In the Superior Court his plea was manslaughter, but the Court held that as a matter of law, the defendant being a slave, it was presumed that he acted from malice, and the jury accordingly returned a verdict of murder. Will appealed to the Supreme Court. One of his counsel was B. F. Moore, then young and unknown, later to become the leader of the Supreme Court bar. Moore boldly attacked the opinion in *State vs. Mann,* not only as "abhorrent and startling to humanity," but also as "at variance with statute and decided cases." The Court accepted his view and Gaston wrote the opinion. In his opinion, Gaston repudiated the presumption of malice. With *State vs. Mann* in mind he declared that there

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[34] Bassett, *Slavery in the State of North Carolina,* 24.

were unquestionably exceptions to the duty of the slave to render "unconditional submission" to his master, for, said he, "It is certain that the master has not the right to slay his slave, and I hold it to be equally certain that the slave has the right to defend himself against the unlawful attempt of his master to deprive him of life." Resistance by the slave to "the inhumanity of the master, or temporary owner, or one clothed with the master's authority," ought not, therefore, to be construed as springing from malice. "Unless I see my way clear as the sunbeam, I can not believe that this is the law of a civilized people, and a Christian land. . . . Express malice is not found by the jury. From the facts I am satisfied, as a man, that in truth malice did not in fact exist, and I see no law which impels me, as a Judge, to infer malice contrary to truth." The judgment of the lower court was accordingly reversed and the killing pronounced manslaughter. In 1839 the principle laid down in *State vs. Mann* was still further modified when the Court held that a master might be indicted for the death of his slave due to an act of the master when the circumstances indicated an intent to kill, or when death followed unreasonable and immoderate punishment. Thus the Supreme Court "fixed a humaner spirit in the law of slavery in North Carolina until the end of that institution."[35]

The Court was not less careful of the rights of free negroes. In the case of *State vs. Manuel,* heard in 1838, the question involved was whether a free negro was a citizen and as such entitled to enjoy the guarantees of the Constitution. As we have seen this question was discussed in connection with the problem of suffrage in the Convention of 1835, and learned jurists differed widely in their opinions. The venerable Macon declared emphatically that "free persons of color never were considered as citizens"; the erudite Gaston, on the other hand, thought they were citizens "and therefore entitled to all the rights of free men." Thus he foreshadowed his opinion in *State vs. Manuel.*

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[35] Bassett, *op. cit.,* 27.

After an exhaustive discussion of the status of persons in the colony before the Declaration of Independence, Gaston said:

> Upon the Revolution, no other change took place in the law of North Carolina, than was consequent upon the transition from a colony dependent on a European King to a free and sovereign State. Slaves remain slaves. British subjects in North Carolina become North Carolina freemen. Foreigners, until made members of the State, continued aliens. Slaves manumitted became freemen, and therefore, if born within North Carolina, are citizens of North Carolina, and all free persons born within the State are born citizens of the State.[36]

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[36] Quoted by Connor, H. G., *William Gaston*, 42. See also Boyd, *History*, 260.

CHAPTER XXVIII

THE RAILROAD ERA

The region along the line of the North Carolina Railroad from Goldsboro to Charlotte is now—the third decade of the twentieth century—one of the most prosperous and productive sections of North Carolina, but during the decade from 1830 to 1840, perhaps no other region of equal area along the Atlantic seaboard could have exhibited to the patriotic citizen so discouraging a prospect or so hopeless an outlook. Such a citizen traversing this region would have found public roads and means of travel and transportation as primitive as they were when the American colonies acknowledged allegiance to George III. Delays, inconveniences, and discomforts were the least of the evils that beset the traveler who entrusted life and limbs to the public conveyances of that period; such a traveler might ultimately reach his destination if he did not break his leg or his neck in the effort. The cost of transportation was so great that the profits of one-half the planter's crop were consumed in getting the other half to market. A legislative committee reported in 1842 that the freight rate by wagon between Raleigh and Petersburg averaged $1.50 per hundred pounds; at this rate, therefore, the freight on a 500-pound bale of cotton between those two points would be $9. The freight on a sack of salt was $2.[1] Many farmers, therefore, found it profitless to produce more than their own families could use. In 1853 a traveler within thirty miles of Raleigh saw "three thousand barrels of an article worth a dollar and a half a barrel in New York, thrown away, a mere heap of useless offal, because it would cost more to transport it than it was worth."[2]

Under such conditions there could be, of course, but little commerce or industry, and without commerce and manufactures

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[1] Quoted by Boyd, *History*, 236-237.

[2] Olmsted, *A Journey in the Seaboard Slave States*, I, 369.

no cities. North Carolina towns as late as 1860 were rustic villages; the largest could not count a population of as many as 10,000. Such commerce as the fertile valleys and plateaus of the Piedmont section produced found its way to the markets of Virginia and South Carolina; and among the people who dwelt west of Greensboro, declared Governor Morehead in 1842, "Cheraw, Camden, Columbia, . . . Augusta and Charleston are much more familiarly known than even Fayetteville or Raleigh; much less, those towns farther Eastward; and this grows out of the impracticability, in a great degree, of passing over our Roads with heavy burdens at that season of the year, most convenient to take our products to market."[3] In all the region from Goldsboro to Charlotte, Raleigh, then a straggling country village, was the only town of sufficient importance to be noted in the United States census of 1850.

This section, now the heart of the industrial region of the South, reported to the census takers of 1850 no other manufactures than a handful of "homemade" articles valued at $396,473. The social and labor systems on which the civilization of the state rested restricted the energies of the people almost entirely to agriculture, yet their farming operations were so crude and unproductive that Olmsted, commenting on the agriculture in the vicinity of Raleigh, found it "a mystery how a town of 2,500 inhabitants can obtain sufficient supplies from it to exist."[4] Nor was this the view merely of a critical stranger. Calvin H. Wiley, in a debate in the Legislature of 1852, after referring to the "magnificent capitol" in which the legislators sat, exclaimed, "But what is the view from these porticoes, and what do we see as we travel hither? Wasted fields and decaying tenements; long stretches of silent desolation with here and there a rudely cultivated farm and a tottering barn."[5]

Such was the view which central North Carolina presented to the keen eyes of John M. Morehead when, in the closing days

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[3] *Message to the Legislature of 1842, Journal*, 409.

[4] Olmsted, *op. cit.*, 357.

[5] Speech on his bill to create the office of superintendent of common schools.

of 1840, he journeyed from Greensboro to Raleigh to assume his duties as governor. As desolate as the prospect was, however, Morehead saw not a little to give him courage and hope. He realized that North Carolina was standing at the turn of the road and that much depended on the wisdom and prudence with which he himself and his colleagues directed her choice of future routes. Four years before, a new Constitution, profoundly affecting the political life of the state, had gone into operation, from which Morehead and others who thought as he did, had prophesied great results for the social and material development of the state. This new Constitution had paved the way for the work of a group of progressive statesmen who were to direct and lead the public thought of North Carolina during the two decades from 1840 to 1860.

Dawn of the Railroad Era

It was this group, as we have seen, that laid the foundations of state systems of public schools and public charities; it was this group also which was to bring into existence a state system of transportation, to the history of which we must now turn our attention.[6] As we have seen, one of the reasons for the failure of the Murphey program of internal improvements was the invention of the locomotive engine. North Carolina became interested in railroads at a comparatively early date. Two years after the building of the first American railway, President Caldwell of the State University, over the pen-name of Carlton, began the publication of a series of newspaper articles, afterwards published in book form under the title of *The Numbers of Carlton,* in which he discussed the advantages of railroads over canals and turnpikes, and advocated the building by the state of a railroad from Beaufort to the Tennessee line. The idea found widespread favor. It was endorsed by 200 farmers who on August 1, 1828, at the farm of William Albright in Chatham County,

[6] See also Ashe, *History,* II, chs. XXIV-XXXIII; Boyd, *History,* chs. XII and XVII; Brown, *A State Movement in Railroad Development;* Dozier, *History of the Atlantic Coast Line Railroad;* Konkle, *John Motley Morehead;* Sprunt, *Chronicles of the Cape Fear River.*

held "what was evidently the first railroad meeting in North Carolina."[7] During the session of the Legislature of 1829, Caldwell addressed a meeting in the Capitol, which inaugurated a state-wide campaign of education on the subject of railroads.

The first fruit of this campaign was the chartering by the Legislature of 1830-31 of the Fayetteville and Campbelton Railroad Company. The next year three other railroad charters were granted. To none of these enterprises, however, did the state extend any aid further than to authorize the Board of Internal Improvements to make surveys for them. For this purpose the Board spent in 1832 a little more than $7,000, which "appears to have been the first expenditure for railroads made by the State of North Carolina."[8] Nothing further, however, came of these projects.

Much more effective than arguments were the actual operations of the first railroad built in the state. This was "The Experimental Railroad" built by a company organized by Raleigh capitalists and chartered by the Legislature of 1832 for the purpose of hauling stone from the state's quarry near Raleigh for the building of the new Capitol. The road was a mile and a quarter in length; it used wooden rails covered with iron strips; and its cars were drawn by horses. The enterprise was successful in every respect; to its stockholders it paid handsome dividends and to the thousands who came from every part of the state to see it in operation it was a convincing demonstration of the practical value of railroads.[9]

A State Transportation System

Throughout 1833 largely attended railroad meetings in every part of the state attested the popularity of the railroad idea. Leaders of the movement now began to think in terms of a great state system. On July 4, 1833, a state internal improvements convention, meeting at Raleigh, went on record as favoring the construction of railroads by state aid, while a second

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[7] Brown, *A State Movement in Railroad Development*, 16.
[8] *Ibid*, 17.
[9] *Ibid*, 17-18; Ashe, *History*, II, 348-349.

convention, also meeting at Raleigh, November 25, 1833, outlined a state system embracing, besides certain local roads and canals, one trunk line from the Atlantic to the Tennessee line, and another from the South Carolina line to some point on the Roanoke River, and memorialized the Legislature to build this system "exclusively by means of the State."[10] This plan, however, was wrecked on the reefs of political interests and local jealousies.

Nevertheless, out of these discussions there gradually emerged two conflicting views as to the proper policy for the state to follow. These differences concerned, first, finances, and second, routing. Should railroads be built with the aid of the state or by private capital only? As a rule, the Democrats, with their stronghold in the slaveholding East, faithful to their time-honored principles, opposed state aid, while the new Whig party with an eye to the vote of the small farmers of the landlocked West, advocated state aid. Should these roads run north and south, or east and west? Sectional and local interests were the determinative factors in answering this question. "The Cape Fear people wanted a road to run west from Fayetteville through the state. Beaufort wanted it to run west from Beaufort instead of Fayetteville. . . . The Roanoke country, long accustomed to trading with Virginia, wanted a road running south or southwest from a connection with the Virginia railroads at the head of navigation on the Roanoke. . . . The west simply wanted a railroad."[11] Every project of course had its advantages and its disadvantages. Opponents of the north-and-south line declared that such lines would fasten upon North Carolina forever the shackles of economic dependence on Virginia and South Carolina; opponents of the east-and-west line declared that such a road would starve for lack of outlets.

The Wilmington and Raleigh Railroad

The defeat by the Senate in 1834 of the state system proposed by the Internal Improvements Convention of 1833 was due to its

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[10] Brown, *op. cit.*, 20-21.

[11] *Ibid*, 22-23.

First Railway Office in Halifax County
(Wilmington and Weldon Railroad)

state aid features; at the same session the Legislature chartered no less than ten railroad companies to be financed by private capital. Most important of these was the Wilmington and Raleigh Railroad Company, organized at Wilmington to build a railroad connecting the state's chief port with its capital. The authorized capital was fixed at $800,000. When the time came to raise this sum, lukewarm Raleigh hesitated, but enthusiastic Wilmington more than met its quota. The historian of the Cape Fear declares that the meeting of a small group of Wilmington business men at the home of Edward B. Dudley, afterwards governor of North Carolina, to subscribe the needed sum was "probably the most momentous, the most dramatic incident in the commercial history of Wilmington. . . . The town contained at that time, a population of about three thousand souls, a majority of whom were negro slaves, and here an assembly of about twenty courageous men of the little corporation actually subscribed a larger sum than the entire taxables of Wilmington amounted to in that year to build the longest railroad in the whole world."[12]

After the failure of Raleigh to make its subscriptions the company applied to the Legislature for amendments to its charter authorizing an increase of its capital to $1,500,000 and the routing of its road from Wilmington to some point on the Roanoke River. The necessary amendments were made in 1836 and on March 14 the company decided to carry the line to some point on the Roanoke to connect with lines from Petersburg and Norfolk. The point selected was the site of the present town of Weldon.[13] Construction was begun October 25, 1836. Financial difficulties slowed up the work and in 1837 the state was obliged to come to the rescue. Thus aided the company was able to push the work to completion, a distance of 161 miles, by March 9, 1840. On April 5, in the presence of an enormous crowd, the road was formally opened at Wilmington. Wilmington made a gala day of it. "People came from the northern part of the

[12] Sprunt, *Chronicles of the Cape Fear River*, 137.

[13] In 1854 the name of the road was changed to Wilmington and Weldon.

state, from Virginia and South Carolina. A great barbecue was spread at the depot at which 550 people were served, bells were rung, 161 guns were fired, one for each mile of line, for this was the first time a train of cars were [sic] ever pulled 161 miles continuously on a railroad. Toasts were offered, letters of congratulations read, and in the afternoon the ceremony of mingling the waters of the Roanoke, Tar, and Neuse with those of the Cape Fear was celebrated."[14]

The Raleigh and Gaston Railroad

The decision to build the Wilmington and Raleigh Railroad to Weldon aroused Raleigh to action. In 1835 Raleigh capitalists organized a company to construct a road from Raleigh to some point on the Roanoke at or near Gaston to connect with a southern extension of the Petersburg railroad. The company, called the Raleigh and Gaston Railroad Company, received its charter December 21, 1835. It was not a distinctly North Carolina enterprise, since more than half its stock was subscribed in Richmond, Petersburg, and other cities outside of North Carolina. Construction was begun in 1836. The company met with financial difficulties and like the Wilmington and Raleigh Railroad, was compelled to apply to the state for aid. This was given and in April, 1840, the road, eighty-five miles in length, was completed.

The Policy of State Aid

The extension of state aid to the Wilmington and Raleigh, and the Raleigh and Gaston railroads, as Professor Boyd says, "truly marks an epoch" in the history of the state's economic policy.[15] That policy as it affected railroad transportation involved two classes of railroads: First, those roads in which the state merely supplemented the contributions of private stockholders; Second, those in which the state assumed the chief financial burden and became the chief owner, permitting private

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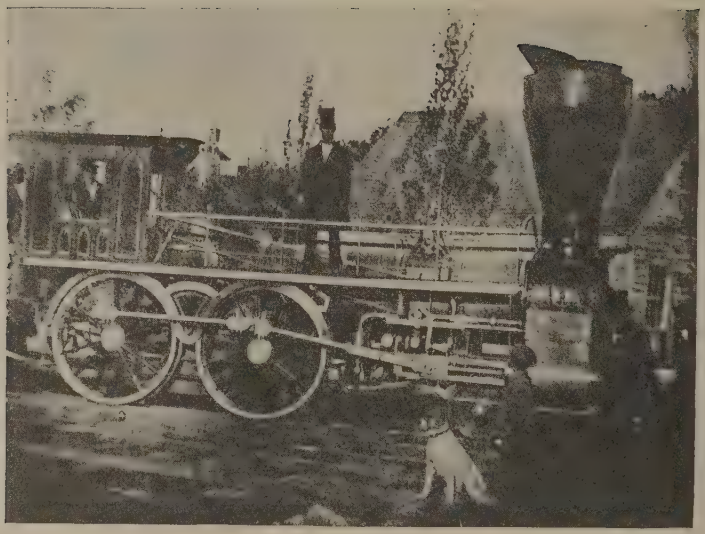
[14] Dozier, *History of the A. C. L. Railroad*, 60-61.
[15] Boyd, *History*, 229.

individuals to provide supplementary funds. It was the state's experience with the first of these plans in connection with the two railroads already discussed that led to its abandonment and the substitution of the second.[16]

As stated above, the Wilmington and Raleigh and the Raleigh and Gaston railroad companies were both organized without any expectation of state aid but both were obliged to apply to the state for relief in order to complete their lines. In 1837, on application of the former for such aid, the Legislature assigned $533,757.39 of the surplus revenue to the Board of Internal Improvements with instructions to the Board to purchase two-fifths of the stock in the Wilmington and Raleigh Railroad. To enable the company to pay off construction debts, the Legislature of 1840 authorized the endorsement by the state of $300,000 of the bonds of the company secured by mortgage. The company agreed to set aside a sinking fund of $50,000 annually and to redeem the bonds in six equal annual installments beginning with January 1, 1842. The Literary Board invested $85,000 of its funds in the bonds of the road. Altogether, therefore, the state's financial interests in the enterprise amounted to $985,000. A similar policy was followed with the Raleigh and Gaston Railroad. Twice this road sought aid from the state and each time successfully; in 1838 the Legislature authorized the endorsement of its bonds to the extent of $500,000 and again in 1841 to the extent of $300,000, secured by mortgages and a pledge of earnings to cover interest.

North Carolina's first experiences in financing railroads were not encouraging. The history of both roads during the first decade of operations is chiefly a story of financial difficulties which involved the state as the endorser of their bonds. In 1843 and again in 1844 the Wilmington and Raleigh Railroad was unable to redeem the bonds which matured in those years and each time the Legislature was compelled to use the Literary Fund to save the credit of the state. The chief troubles were short term credit and the inability of the road to borrow from private sources for needed improvements and equipment be-

[16] Brown, *op. cit.*, 30.



LOCOMOTIVE, R. & G. R. R. WITH W. R. VASS, PRESIDENT OF THE ROAD

cause the state held a mortgage on its property. Accordingly in 1845, 1847, and 1849 the Legislature extended the time for redemption of future installments of bonds, and in 1849 authorized the company to borrow for improvements and equipment on a mortgage which should take precedence over that held by the state. These measures relieved the road of its most pressing obligations and enabled it to get on a sounder financial basis. From 1850 until the beginning of the Civil War it "met its obligations promptly and paid good dividends upon its capital stock."[17]

A less happy outcome marked the state's dealings with the Raleigh and Gaston Railroad. Not only was that road unable to redeem its bonds as they matured, but beginning with 1843 even defaulted in interest. In 1844, therefore, Governor Morehead recommended to the Legislature the foreclosure of the state's mortgage. The Democrats took advantage of the proposal to attack the whole policy of state aid and roundly scored the Whigs "for having entangled the state financially with a railroad company that had never seen a solvent day."[18] However, both parties were anxious to extricate the state from its difficulties and the Legislature passed the bill authorizing the governor to foreclose. The company strenuously resisted in the courts but in vain. A judgment was given in favor of the state and on December 29, 1845, Governor Graham bought the road for the state, paying for it $363,000, the amount of the principal and accrued interest on the second mortgage.

The state soon found that it had a white elephant on its hands. During the next six years, 1846-1851, it operated the road at a terrible drain on its treasury and a rapid deterioration of the physical property of the road. Finally, in 1851, the Legislature passed an act to reorganize the company, with a capital of $800,000, one-half to be taken by the state in exchange for its holdings in the old company, the other half by private subscribers. The reorganization was effected by October 1, 1851; new equipment was purchased, better connections furnished, and by 1854 the road was on a dividend paying basis. Except for

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[17] Brown, *op. cit.*, 36-43.

[18] *Ibid*, 50-53.

1857 and 1858 it paid dividends every year until the outbreak of the Civil War. By the failure of the old company the state was the chief loser. All told it had put into the road $1,321,856.58, for which it received $400,000 in the stock of the new company. "It may be safely said, then," writes Professor Brown, "that the state of North Carolina lost close to $1,000,000 because of its financial entanglements with this railroad."[19]

The North Carolina Railroad Company

Despite these experiences, there was no let-up in the state in the popular demand for railroads, nor had the advocates of a state system ever lost sight of their main objective. A great forward impulse had been given to such a project by the election of Morehead as governor in 1840. He had conducted the first campaign in North Carolina in which candidates for governor had ever canvassed the state. He was the first governor to be inaugurated in the new Capitol, in itself typical of the new state; and what is far more important, he was the first governor of North Carolina to discard the old *laissez-faire* policy which had obtained since the Revolution, and to come into office with a definite program of state development in view.

This program Morehead outlined in his Inaugural Address. His practical mind turned away in disdain from the glittering generalities and commonplace platitudes about liberty and democracy which had usually formed the burden of inaugural addresses and fixed upon definite recommendations for the development of the state. To reduce these recommendations to a system was the work of his first two years in office, and when the Legislature of 1842 met he was ready with a message outlining among other things a complete system of internal improvements. His scheme embraced the extension of the railroad lines already built in the state, the improvement of the state's rivers and harbors, the construction of inland waterways and turnpikes, and the linking of all these together in one general system of transportation. No section of the state escaped his

[19] *Ibid*, 61.

attention; and he seems to have been the state's first public man to realize the possibilities of North Carolina's mountain region.[20]

This message was laid before a Legislature controlled by the Democratic party, and the Democrats at that time were opposed to internal improvements by state aid. Morehead accordingly was forced to wait upon events for the consummation of his great schemes. The immediate result of his messages on the subject was to win for him the leadership of the progressives of his day, and time played into his hands. Economic conditions in the state during the forties and especially in the Piedmont section, the stronghold of the Whig party, focussed public attention more and more upon the problem of transportation and before the close of the decade public sentiment was ripe for legislative action. As a result of its transactions with the Wilmington and Raleigh and the Raleigh and Gaston railroads, the state found itself, by 1846, heavily involved financially with two roads that faced certain bankruptcy unless they could obtain outlets to greater trade areas.

It was expected, therefore, that the Legislature of 1848 would deal with the problem. However, the political complexion of that body gave little encouragement to the advocates of a state system by state aid. In the election of 1848, as we have seen, the Democrats on the free suffrage issue had made great gains, and in the Legislature the membership was equally divided between the two parties in both Houses. By a compromise the Democrats conceded the speakership of the Commons to the Whigs, who elected Robert B. Gilliam of Granville, while the Whigs yielded the speakership of the Senate to the Democrats, who chose Calvin Graves of Caswell County. The political situation, therefore, presaged a bitter contest over any measure that involved the policy of state aid. Moreover, it was certain that no measure for a new railroad could pass either house that did not conserve the interests of both the Wilmington and Raleigh and the Raleigh and Gaston railroads.

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[20] Konkle, *John Motley Morehead*, 213-217. See also Connor, *Ante-Bellum Builders of North Carolina*, 128-134.

Two proposals were laid before the Legislature. The first, made by Governor Graham in his annual message, was designed primarily to relieve the embarrassments of the Raleigh and Gaston. This was a proposal to charter a company with a capital of at least $2,000,000, of which the state was to take half, to build an extension of the Raleigh and Gaston to Charlotte, with branch lines to Goldsboro and Fayetteville. The Wilmington and Raleigh interests were strenuously opposed to this plan. They urged that it would have no outlet on the North Carolina coast and would not free North Carolina from her dependence on Virginia and South Carolina. Moreover, as it called for state aid, the Democrats as a rule opposed it. The second proposal was the incorporation of a company to build a road from Charlotte, via Concord, Salisbury, and Greensboro, to Danville, which would connect at Charlotte with a line from Columbia, and at Danville with a line from Richmond. The proposed company asked no aid from the state. While it received the solid support of the West, it met opposition from the East, and especially from the Wilmington and Raleigh and the Raleigh and Gaston interests. It was urged that such a road cutting across the state at about its geographical center, would perpetuate the east-and-west sectionalism and tie up the economic development of the West with Virginia and South Carolina markets. However, eastern Democrats found it difficult to oppose a measure which was perfectly in harmony with the policy which their party had so long advocated; accordingly, they fell back upon the charge that the proposition was a "sell out" of the interests of the Wilmington and Raleigh and the Raleigh and Gaston to Virginia and South Carolina interests, and repeatedly referred to it as the "Danville steal."

The Graham measure was easily defeated, but the Charlotte-Danville proposal was supported by such powerful interests that its passage was almost assured. The bill was introduced in the Commons by a leading Democrat, John W. Ellis of Salisbury, but upon his resignation, December 16, 1848, to accept a judgeship, the leadership of its proponents fell to Rufus Barringer of Concord. Its advocates expected, too, that it would

receive the support of Speaker Graves, since it did not involve the problem of state aid and the road itself would cut across Caswell County. Among its strongest supporters outside of the Legislature was ex-Governor Morehead of Greensboro. The contest in the Commons was long and bitter. During the debate, in reply to an eastern member, who repeated the charge that the supporters of the measure were "selling out" to Virginia and South Carolina, Barringer challenged his opponents to make an "offer of any Bill providing for a general North Carolina System, likely to pass, and with sufficient State aid to secure its completion," and pledged himself to vote for it.[21] Thereupon, the opponents of the Charlotte-Danville measure proposed what was known as the Ashe bill and pledged to it the support of the East if the West would abandon the Danville measure and join the East in passing it.

This was a bill, drawn by William S. Ashe, Democratic commoner from New Hanover, in collaboration with other eastern leaders, to charter the North Carolina Railroad Company to build a road from Goldsboro to Charlotte. The company was to be capitalized at $3,000,000, of which the state was to take two-thirds. The bill was skillfully drawn so as to win the support of as many interests as possible. It was an east-and-west line; it was to connect with the Wilmington and Raleigh at Goldsboro and with the Raleigh and Gaston at Raleigh; it was to be built via Hillsboro, the home of Governor Graham; Greensboro, the home of ex-Governor Morehead; Salisbury, the home of John W. Ellis; and Concord, the home of Rufus Barringer; and it was to terminate at Charlotte; furthermore, the fact that it obligated the state to take two-thirds of the stock was a pledge that the road would be built. In the House, accordingly, the Charlotte-Danville measure was dropped, and the Ashe bill was passed, January 18, 1849, by a vote of 60 to 52. Forty-two Whigs and eighteen Democrats made up the majority, fourteen Whigs and thirty-eight Democrats the minority.

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[21] Barringer, *History of the North Carolina Railroad*, 16.

The Political Martyrdom of Calvin Graves

By this time the eyes of all North Carolina were focussed on the contest; from mountains to sea men inquired daily of the progress of the railroad bill; everybody seemed to feel that the whole future of the state was wrapped up in its fate. When, therefore, the bill went to the Senate interest both within and without the Legislature had reached a high pitch. The close party division in that body made it necessary for both sides to scrutinize with the utmost care the attitude of every senator. It soon became evident that Speaker Graves was the key man; he was a Democrat, popular with his party and in line for party honors; his party generally was opposed to state aid; moreover, the proposed North Carolina Railroad would not touch his own county, while the Charlotte-Danville road would cut across its entire length. Such was the situation when the bill, having passed its second reading by a majority of two, came up on January 25 for its final reading. The Senate lobbies were crowded, the galleries packed; but the real audience of the Senate was the entire citizenship of the state. Finally the debate came to an end, and the clerk began slowly to call the roll while every person in the chamber kept the tally. The result showed a tie vote and the eyes of the hundreds who thronged the lobbies and galleries at once turned upon the speaker. Thereupon, "the slender form of Speaker Graves stood up, and leaning slightly forward, with gavel in hand, he said, 'The vote on the Bill being equal, twenty-two ayes and twenty-two nays, the Chair votes Yea.' The Bill has passed its third and last reading."

The scene that followed was indescribable. "I have seen and read of many memorable and famous contests, and have witnessed many outbreaks of popular applause," wrote Barringer; "but never anything like that then following. Even the granite Capitol seemed to shake for joy. But this was not all. There was then no electric telegraph in North Carolina; no express lines; no mail delivery; but immediately, every man and woman, every boy and girl, became a sort of message bearer. News was hastened in every possible way to every

nook and corner of the Old Commonwealth, and the one phrase was: 'Speaker Graves has saved the State—the Railroad bill has passed.' "[22]

Speaker Graves may, indeed, have "saved the State," but in so doing he had destroyed himself politically. His party never forgave him, and never again honored him with its confidence. On the eve of a long deferred party triumph, which was certainly opening for him a brilliant political career, he chose rather to immolate his personal ambitions on the altar of public duty, and passed into the obscurity of private life without a murmur of regret.[23]

The North Carolina Railroad System

North Carolina had long stood at the turn of the road hesitatingly. By the passage of the North Carolina Railroad bill she finally made her decision. The act authorized the organization of a corporation with a capital of $3,000,000, of which the state was to take $2,000,000, as soon as private individuals had subscribed $1,000,000 and actually paid in $500,000. The first step, therefore, was to secure the private subscriptions which were necessary to bring the state into the enterprise.

During the five years, 1849-1855, in which the private subscription of $1,000,000 was secured, the company organized, the route surveyed, and the road constructed, the dominant figure in its history is the figure of John M. Morehead. On June 15, 1849, he presided over a great internal improvements convention at Salisbury at which plans, chiefly suggested by himself, were adopted for securing the private subscriptions. Placed by this convention at the head of an executive committee to carry out these plans, he pushed them with a vigor, determination, and wisdom that aroused the enthusiasm of the entire state and inspired confidence in the success of the undertaking. On March 6, 1850, he was able to announce to a convention at Hillsboro that only $100,000 remained to be taken to complete the private

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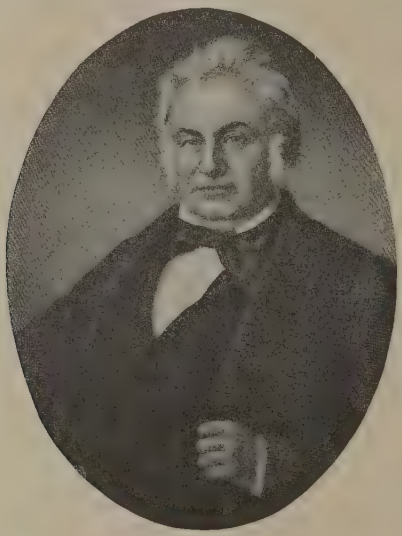
[22] Barringer, *op. cit.*, 18.

[23] For a sketch of Calvin Graves see *Biographical History of North Carolina*, II, 108-114.

subscriptions, and declared that he would be one of ten to take it up. Nine others promptly came forward, subscribed their proportionate parts, and thus assured the building of the road. On July 11, 1850, the private stockholders met at Salisbury and organized the company. The board of directors unanimously elected Morehead president, and annually reelected him until he voluntarily retired in 1855. During these five years the North Carolina Railroad, truly described as "the greatest of all



JOHN M. MOREHEAD

enterprises so far attempted by the State of North Carolina in the nature of a public or internal improvement,"[24] was constructed and opened to traffic. Surveys were commenced August 21, 1850; on July 11, 1851, at Greensboro, in the presence of an immense throng, Calvin Graves broke ground for the laying of the first rails; and on January 29, 1856, the road was ready for cars from Goldsboro to Charlotte, a distance of 223 miles.

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[24] *North Carolina Manual* for 1913, 171.

The Democrats Steal the Whig Thunder

The North Carolina Railroad was only one link in the state system which Morehead and other leaders in the work contemplated. As he put it, the completed system was to include "one great leading trunk line of railway from the magnificent harbor of Beaufort to the Tennessee line." Thus was revived the proposal which Caldwell had set forth in his *Numbers of Carlton.* The first section of this system was the North Carolina Railroad. The other sections were to be built between Goldsboro and Beaufort and between Salisbury and the Tennessee line.

The completion of this system, however, appeared to receive a check when the Democrats carried the state in 1850, for nobody could foresee the complete somersault they would make on the issue of state aid between 1850 and 1854. Their change of policy is only another illustration of the age-old truth that a party in power is a very different organization from the same party in opposition. With the development of railroads a strong minority within the Democratic party were converted to the principle of state aid; as we have seen, a Democrat, William S. Ashe, was the author of the bill to charter the North Carolina Railroad Company and another Democrat, Calvin Graves, cast the deciding vote in its favor in the Senate. Eighteen Democratic commoners and four Democratic senators voted for the bill. Among the Democratic leaders who endorsed state aid, besides Ashe and Graves, were Ruffin, Saunders, Dobbin, Strange, W. B. Shepard, John S. Eaton, and Holden. On this issue these men were but a minority, it is true, but a minority whose views had to be respected. In 1850, says Holden, "the Democratic party of the state was opposed, by a large majority, to state aid for internal improvements," nevertheless, when Reid confided to Holden that he could not accept the Democratic nomination for governor if he were required to approve the charter of the North Carolina Railroad, Holden replied that he need say nothing about it since "a man could be a Democrat and at the same time [be] against or for the Road. . . ."[25]

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[25] *Memoirs,* 6.

The two factions measured strength in a Democratic caucus held in Raleigh early in 1850 to lay plans for the approaching campaign. In 1848 the Democratic platform had condemned the state aid policy of the Whigs as an "unwise, extravagant, or injudicious use of the public monies." In line with this declaration was a resolution introduced in the Democratic caucus of 1850 by Asa Biggs proposing an amendment to the Constitution to forbid the Legislature to make any appropriation for internal improvements without submitting the proposition to a vote of the people. Instantly a dozen state-aid Democrats sprang to their feet in indignant protests; John S. Eaton, the presiding officer, shouted above the hubbub that if the resolution were adopted he would quit the chair, while Saunders warned the caucus that its adoption would drive 5,000 "internal improvement Democrats away from the polls." Their protests frightened Biggs, who withdrew his resolution, "and the party," wrote Holden many years later, "was thus saved by the firmness and devotion to principle of that small minority."[26]

The decision of the caucus was confirmed by the Democratic state convention in June, which omitted from the platform all reference to the question. This omission was tantamount to saying that henceforth state aid to internal improvements was not to be regarded as a political issue, but that every Democrat should be free to follow his personal convictions on the subject without endangering his party standing. The party's new attitude bore fruit in the Legislature of 1850. A proposed amendment to the Constitution similar to that suggested by Biggs was buried in a committee of the House, while a bill to repeal the charter of the North Carolina Railroad Company was killed in the House itself by the decisive vote of eighty to thirty-six. But the Democrats were not to be content with negative measures. The Democratic Legislature of 1850 provided for the reorganization of the Raleigh and Gaston Railroad with the state as the chief stockholder, extended state aid to the amount of $200,000 to the Wilmington and Manchester Railroad, and directed the committee on internal improvements to report a plan for the

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[26] *Memoirs*, 7.

extension of the North Carolina Railroad eastward to Beaufort and westward to the Tennessee line. In these measures the party assured the state that its ascendancy did not mean a "return to the old path";[27] the new Democracy was to be a forward-looking party.

State-aid Democrats now became more militant. In the platform of 1854 they committed their party to the principle that since the state had already begun "a system of internal improvements" and had "made large investments" in it, the Legislature ought to extend such additional aid as was necessary to provide for the completion and "extension of the same." In the campaign that followed the party received a plain warning that the state would tolerate no halfway measures. The Democratic candidate for governor was Thomas Bragg of Warren County, the Whig candidate was Alfred Dockery of Richmond. In 1852 the Legislature had chartered the Atlantic and North Carolina Railroad to run from Goldsboro to Beaufort and the Western North Carolina Railroad to run from Salisbury to the Tennessee line, without state aid to either, and the question of extending such aid was an issue in the campaign between Bragg and Dockery. "In 1854," wrote Holden, "Bragg's election was put in peril . . . by his indifference towards the proposed railroad through the mountains. General Dockery was openly and boldly for this railroad, and was gaining votes rapidly in the West. I wrote to Bragg in Charlotte, on his way West, in his campaign with Dockery, that if he did not come out boldly and emphatically [for the road] the signs were that he would be beaten. . . . Mr. Bragg at once took strong and positive grounds for the railroad to run through the mountains, and he was elected by a small majority. . . ."[28]

Bragg's total vote was 48,705, Dockery's 46,644. Thus Bragg's majority was 3,503 less than Reid's majority in 1852. The Democratic losses and the Whig gains were largest in those counties primarily interested in the Atlantic and North Carolina and the Western North Carolina railroads. In the seven coun-

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[27] Ashe, *History*, II, 489-490.

[28] Holden, *op. cit.*, 9.

ties chiefly interested in the former, as compared with the vote of 1852, the Democrats lost 550 votes, the Whigs gained 116; in the twenty-seven counties chiefly interested in the latter the Democrats lost 425, the Whigs gained 1,813. The implication was too clear to be missed; the people had returned the Democrats to power because of their position on free suffrage, but with the warning that they must adopt a more liberal policy toward internal improvements than had marked their previous record.

The Democrats Carry On

The Democrats, of course, had their ears to the ground and in the Legislature of 1854 carried railroad legislation to its highwater mark in ante-bellum North Carolina. The Legislature increased the capital of the North Carolina Railroad by $1,000,000 and subscribed the entire additional amount for the state. It chartered the Wilmington, Charlotte and Rutherfordton Railroad Company with a capital of $2,000,000 and authorized the endorsement by the state of $200,000 of its bonds for every twenty-five miles of road constructed. Most important of all were the acts increasing the stock of the Atlantic and North Carolina from $900,000 to $1,600,000 and the stock of the Western North Carolina from $3,000,000 to $6,000,000, and providing for a state subscription to two-thirds of each. Undoubtedly the Democrats were encouraged to pass these measures by the fact that in 1854, despite the great increase in the state debt, North Carolina bonds for the first time were selling at a premium.[29]

Immediately after the ratification of the acts providing for the state subscription to stock in the Atlantic and North Carolina and the Western North Carolina railroads, Governor Reid notified President Morehead and the directors of the North Carolina Railroad Company to proceed with the surveys of what Morehead always referred to as "the contemplated extensions of the North Carolina Railroad." Under his supervision the work was pushed forward rapidly. On June 17, 1858, the

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[29] Hamilton, *Party Politics in North Carolina*, 169.

Atlantic and North Carolina was completed and ready for trains; and a few months thereafter trains were running over the Western North Carolina Railroad from Salisbury to within four miles of Morganton.

Thus the great state system first proposed by Caldwell was constructed in three sections. Anticipating here a little in order to complete this chapter of the story, it may be said that in 1866 a bill was introduced in the Senate to round out the scheme by consolidating the three sections under the name of "The North Carolina Railroad Company." One of the last public utterances of ex-Governor Morehead. was a letter addressed to the stockholders of the North Carolina Railroad Company in behalf of this scheme. After reviewing the work already done in the state, he said:

> Here let us pause and take a survey of what has been done in seven years towards this great work. From Beaufort Harbor to Goldsboro the Atlantic and North Carolina Railroad Company have built ninety-six miles. From Goldsboro to Charlotte you have built two hundred and twenty-three miles. From Salisbury to within four miles of Morganton the Western North Carolina Railroad have built seventy-six miles . . . making in all three hundred and ninety-five miles, from which deduct forty-three miles from Salisbury to Charlotte, and we have actually built of this great line three hundred and fifty-two miles in one continuous line. Think of it! In the lifetime of a state or nation seven years is but as a moment in its existence. . . .
>
> You have the honor of being the pioneers in this great work executed in sections. Do yourselves now the honor to consolidate the whole and complete the original design. You, the most powerful and most independent of the three corporations, can, with much grace, propose to your sister corporations upon terms of justice and equity manifesting selfishness in naught but your name. Yield not that. The new consolidated corporation should still be "The North Carolina Railroad Company." This will be a corporation worthy of you, of your State, and of the great destinies that await it.[30]

The railroads which have been discussed were merely the most important lines built during this period. There were sev-

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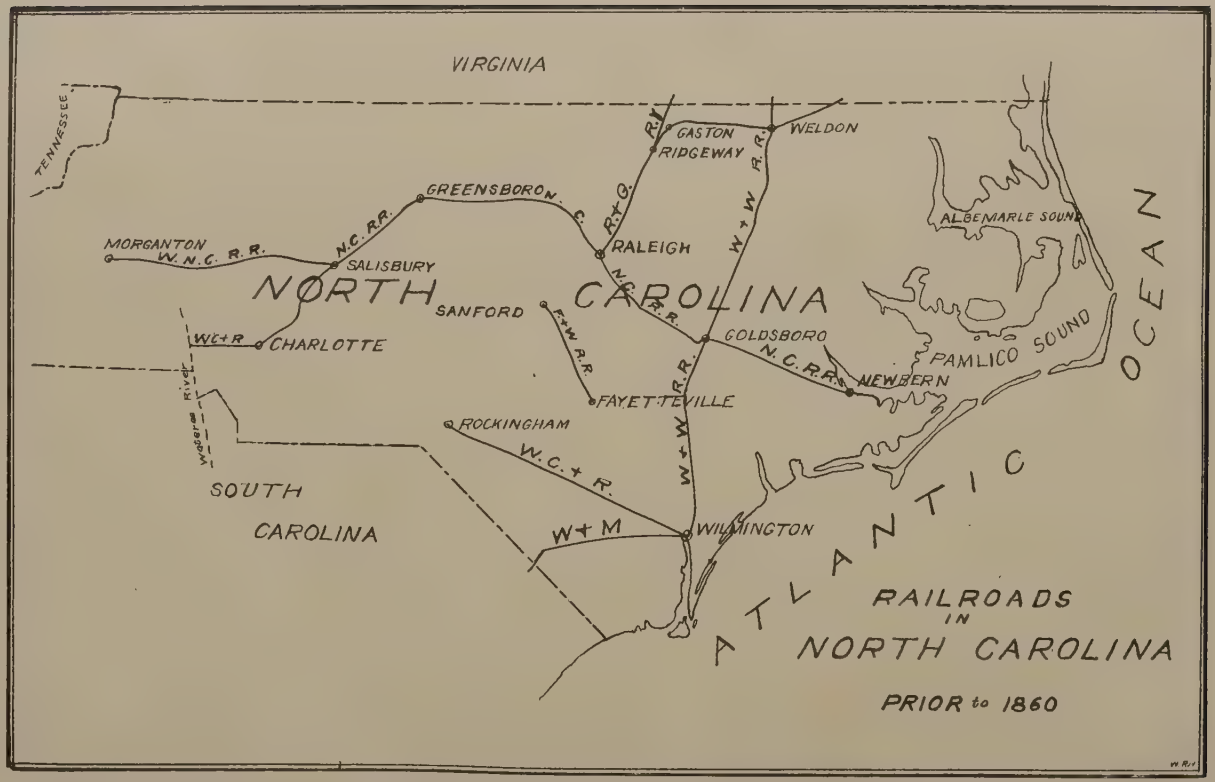
[30] July 17, 1866. Printed in the Proceedings of the Seventeenth Annual Meeting.


VIRGINIA
TENNESSEE
MORGANTON
W.N.C. R.R.
N.C. R.R.
SALISBURY
GREENSBORO
R.&G. R.R.
GASTON
RIDGEWAY
W.&W. R.R.
WELDON
RALEIGH
NORTH CAROLINA
SANFORD
W.&R. R.R.
CHARLOTTE
F.&W. R.R.
GOLDSBORO
N.C.R.R.
NEWBERN
ALBEMARLE SOUND
PAMLICO SOUND
OCEAN
FAYETTEVILLE
W.&W. R.R.
ROCKINGHAM
W.C.&R.
SOUTH CAROLINA
W&M
WILMINGTON
ATLANTIC
RAILROADS IN NORTH CAROLINA
PRIOR to 1860

eral others "connecting all sections and bringing the people into closer contact with markets and with one another."[31] What the state accomplished in railroad development during the decade from 1850 to 1860 is shown by the following table from the United States census of 1860:

Name of Company	Mileage		Cost of Construction	
	1850	1860	1850	1860
Atlantic and North Carolina		94.92		$ 2,157,503
North Carolina		223		4,235,072
Raleigh and Gaston	87	97	$ 870,000	1,240,241
Western Railroad		41.50		830,000
Western North Carolina		84		1,740,000
Wilmington, Charlotte and Rutherfordton		110		2,200,000
Wilmington and Manchester		161.50		2,869,223
Wilmington and Weldon	161.50	176.50	2,411,623	3,196,588
Totals	248.50	988.42	$3,281,623	$18,468,627
Deduct Wilmington and Manchester in South Carolina		99		1,758,834
Totals in North Carolina	248.50	889.42	$3,281,623	$16,709,793

As late as the fifties there were many people who still insisted that the cheapness of plank roads made them preferable to railroads for transportation, and many such roads were built in the decade after 1848. Fayetteville especially seems to have pinned its faith to them. Plank roads radiating in every direction were built to connect Fayetteville on the east with Warsaw, on the north with Raleigh, on the south with Albemarle, and on the west with Carthage, High Point and Winston. In 1850 companies were chartered to build such roads out of Charlotte, Concord, Salisbury, Asheville, Oxford, and Wilmington; in 1852, forty-one such companies were chartered. State

[31] Boyd, *History*, 350.

aid was extended to many of them in sums ranging from $10,000 to $120,000 each; in most of the cases the investments were lost. State aid was given also to numerous navigation companies, from $5,000 to the Yadkin Navigation Company up to $300,000 to the Cape Fear and Deep River Navigation Company. These investments are chiefly interesting as evidence that the spirit of localism was still a factor to be reckoned with in any scheme of state development.

The Spirit of Murphey Triumphs

Localism, however, was doomed, for the railroad had opened a new era for North Carolina. It stimulated agriculture, commerce and manufactures by giving immediate relief to the landlocked farmers, merchants, and manufacturers, not only by reducing the high cost of transportation, which heretofore had robbed them of half their profits, but also by enabling them to take advantage of sudden fluctuations in prices on the markets where they bought and sold. The building of the Raleigh and Gaston Railroad at once brought freight charges between Raleigh and Petersburg tumbling down from $1.50 per hundred pounds to seventy cents. In the very year of its opening to traffic, farmers along its line who used the railroad were able to take advantage of a temporary rise in the price of wheat at Petersburg to sell their crop at $1.12½ per bushel, while those who preferred "to depend on the more tardy transportation of wagons, generally sold at but 75 cents per bushel."[32]

The influence of railroads on social life was no less marked. Improved mail service invariably followed in their wake, and sometimes even anticipated their coming. In 1851 the mere projection of the North Carolina Railroad led the postmaster at Raleigh to take steps to establish a daily service between Raleigh and Hillsboro, Chapel Hill, Greensboro, and Salisbury. "The Mail Matter on that Route," he wrote, "has increased within the last year 20 per cent and is daily increasing and with the additional importance given to those Western Towns by the improvements now going on must continue to increase in a still

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[32] Report of Committee on Internal Improvements to the Legislature of 1842. Quoted by Boyd, *op. cit.*, 236-237.

greater ratio."[33] Cheaper passenger fares, speedier transportation, and improved facilities encouraged travel, brought the people of the state together in all sorts of gatherings—educational conventions, religious conferences, agricultural fairs, political conventions, and social meetings—in ever increasing numbers, and thus tended to reduce "the stress of local sectionalism" which had so long hampered the development of the state. Moreover, the necessity for working out a state system of railroads simultaneously with state systems of education and charities, was an important factor in modifying the popular conception of the functions of the state and in awakening political parties to "a new sense of public duty."[34]

It is evident that a new spirit was abroad in North Carolina; and in no other way did it manifest itself more clearly than in the early history of railroads. Throughout the state people followed the progress of the work on the North Carolina Railroad with the keenest interest. In his final report to the Board of Directors, Chief Engineer Walter F. Gwynn said that the breaking of ground for this road "may justly be regarded as an event which will ever be memorable in the annals of North Carolina. . . . From this memorable day, July 11, 1851, there has been no faltering or despondency; all have been united heart and hand in the great undertaking; the whole state, her entire people, catching the enthusiasm which it engendered, have come forth in their might and majesty battling in the cause of internal improvements, those heretofore signalized as laggards now pressing forward in the front ranks. . . ." He thought that the completion of the road, coupled with the manner in which the work had been supported by public interest, was "an achievement unprecedented in the annals of the public works of this or any other country, and wherever known . . . will disabuse the public mind and vindicate the energy, enterprise and industry of the citizens of the State."[35]

Truly the spirit of Murphey had triumphed over the spirit of Macon!

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[33] William White to Thomas Ruffin, Raleigh, October 26, 1851. *Ruffin Papers*, II, 316.

[34] Boyd, *op. cit.*, 237.

[35] See Connor's *Ante-Bellum Builders of North Carolina*, 138-139.

CHAPTER XXIX

THE TRIUMPHANT DEMOCRACY

In 1848 the Democrats had found an issue on which they might reasonably expect victory in 1850 if they could maintain an unbroken front.[1] Whether they could do so, however, was extremely doubtful, for as the campaign drew near two problems arose which, for a time at least, threatened Democratic unity. One was the proposed Nashville Convention, the other the old question of state aid to internal improvements. The Nashville Convention, called to meet at Nashville, Tennessee, June 3, 1850, was to be composed of delegates officially representing the slaveholding states to consider measures for protecting southern interests against the anti-slavery movement in the North. While North Carolina Democrats as a rule favored the plan, many influential Democrats joined the Whigs in opposition to it as a disunion scheme, and the party could not afford to offend these men, especially as Reid, their prospective candidate for governor, was one of them. On the question of state aid to internal improvements, especially to railroads, there had also grown up within the Democratic party a strong unorthodox minority which had to be reckoned with. The chance of party unity and success, therefore, lay in side tracking these disturbing issues and keeping free suffrage to the forefront as the paramount issue of the campaign.

A Free Suffrage Victory

Late in 1849 Holden informed Reid that he was again to be the standard bearer and Reid replied expressing his willingness to lead the fight for free suffrage provided he was not re-

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[1] The chief secondary sources for the period covered by this chapter are: Ashe, *History*, II, chs. XXVII-XXXII; Boyd, *History*, chs. XV-XVI; Hamilton, *Party Politics in North Carolina*, chs. XI-XV; Wagstaff, *State Rights and Political Parties in North Carolina*, ch. IV.

quired to approve the Nashville Convention or the charter of the North Carolina Railroad Company. Holden, who approved of both, assured him that he need not commit himself on either, as "they were both aside from and above party," and Democrats might differ on them without losing caste.[2] His position was subsequently sustained by the state convention which made no mention of either in the party platform, and the way was thus cleared for Reid to make the race on free suffrage unhampered by other issues.

Both parties held conventions in Raleigh in June, the Whigs on June 10, the Democrats three days later. Both were concerned to find the answer to the same question: Did the election of 1848 reflect a mere passing whim or a settled conviction of the people? Both presented to the voters the same candidates and the same issues they had presented in 1848. Of the two parties, however, the Whigs seemed less certain of their ground—they nominated a candidate who had declared himself against any suffrage reform and gave him a platform favoring a convention to deal with the question. In a bid for votes they also proposed to refer to this convention the question of electing judges, justices of the peace, and the several state administrative officers by popular vote. On suffrage reform the Democrats displayed sounder judgment; they declared unequivocally for free suffrage by legislative initiative, but they too angled for votes by declaring for the popular election of judges with limited tenures.

Again as in 1848 Manly and Reid staged a joint debate. It was soon evident that Reid would run away with the race unless Manly could find a red herring to draw across his trail. In a moment of desperation, and evidently without due consideration of all its implications, he suggested that if free suffrage were adopted it ought to be accompanied by a change in the basis of representation in the House of Commons from Federal to white population. Western Whigs jumped eagerly at the idea, but eastern Whigs angrily protested against it. To surrender the principle underlying Federal population, they declared, would

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[2] *Memoirs*, 6.

menace "southern institutions," for how could the South insist upon Federal numbers as a basis of representation in Congress if it abandoned the principle in the state legislatures? While the Whigs thus quarrelled among themselves, the Democrats hewed straight to the line; Reid assured the voters that there was no connection between the two proposals, ignored Manly's suggestion, and pressed on toward the goal of free suffrage. Many disgusted Whigs deserted their flabbergasted leader and went over to the enemy.

That popular interest was aroused is evident from the fact that the total vote cast was larger than any previous vote in a North Carolina gubernatorial election. Reid's vote was 45,080, Manly's 42,337. The Democrats captured both Houses of the Legislature, having a majority of four in the Senate and ten in the Commons. In both Houses on the great issue they could count on the votes of a number of free suffrage Whigs.

The Whigs took their defeat with bad grace. Wrote one of them to his good Whig brother-in-law, "Manly is defeated! Poor Fellow he will take it I fear with but little fortitude. The Denunciation of the Nashville Convention by Whig orators hurt him much. Whigs who felt strongly became lukewarm toward friends who denounced them as traitors. And what a Governor we shall have in Reid! He will give Holden the reins of the State."[3] The sentiments which Cameron expressed in the bosom of his family the Raleigh *Register* published to the world. How does Reid's election, it peevishly queried, "sound to the ears of those Whigs who have fixed upon our good old State for the first time since the amendment of the Constitution the burning reproach of having a locofoco Governor, and the indelible disgrace of having chosen such a Chief Executive officer?"[4] Whigs might well lament the result (albeit in more decent language), for it meant the downfall of their party in North Carolina forever.

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[3] P. C. Cameron to J. G. B. Roulhac, August 8, 1850. *Ruffin Papers*, II, 298.

[4] Quoted by Hamilton in *Party Politics*, 142-143.

Among the purely state issues before the Legislature of 1850-51, free suffrage of course overshadowed all others. Armed with the mandate of the people, the Democrats lost no time in making good their campaign pledge. Early in the session they presented a bill providing for the proposed amendment by legislative initiative. The Whigs countered with a bill to call an unrestricted convention. After a hard contest the Democratic measure passed the Commons by a vote of 75 to 36—just three more than the required three-fifths. Four days later the Senate, probably encouraged by the smallness of the margin in the Commons, rejected the House bill and the Raleigh *Register* exultingly proclaimed: "Free suffrage lies among the slain!"[5] But the *Register's* rejoicing was premature. The Commons accepted the Senate's challenge and passed a second measure by a vote of 89 to 24. In the meantime a convention bill had received a vote of 67 to 40 in the Commons, and although it failed to receive the necessary two-thirds vote, the strength of the measure alarmed certain eastern Whig senators who feared that a convention might be called which would change the basis of representation; they hastened, therefore, to accept the lesser of the two evils and voted with the Democrats to reconsider and pass the original House bill through the Senate by a vote of 33 to 16.

A Check to Free Suffrage

The passage of the Democratic measure determined the major issue of the campaign of 1852.[6] Had the Whigs been wisely led they would have accepted the verdict of the people, dropped free suffrage as a party issue, and united on a program of social and economic development on which they better represented popular sentiment than their opponents. But the party was not united on any of the pressing issues of the day, national or state, and it soon became evident that the heterogeneous elements of which it was composed could not long be held together

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[5] Hamilton, *op. cit.*, 146.

[6] For the procedure for amending the Constitution by legislative initiative, see *supra*, I, 578.

without the cement of public office. On the two fundamental issues—slavery and suffrage reform—the party was badly divided. The results of the Mexican War had raised anew the question of the power of Congress to restrict the extension of slavery; Federal Whigs, led in North Carolina by Badger, conceded the power, state rights Whigs, led by Mangum, denied it. In Congress their differences had been patched up by the Compromise of 1850 but they had been far from united on that measure; when a caucus of Whig leaders in Washington, early in 1852, refused to endorse the Compromise, two North Carolina Whig congressmen, David Outlaw and Thomas L. Clingman, together with other southern Whigs, bolted.[7] On the suffrage problem the Whigs dared not take a definite stand. In the Legislature of 1850, 13 Whig commoners, and three Whig senators had voted for the Democratic bill, and just before the close of the session 26 western Whig members issued an "Address to the People of North Carolina" urging them to call a convention to change the basis of representation—a proposal that was anathema to eastern Whigs. Thus the Whigs entered the campaign of 1852 divided on the two issues in which the people were chiefly interested. The Democrats, on the other hand, having ironed out their differences on minor points, presented a solid front on the major issues.

The Whigs in convention at Raleigh, April 26-27, in a desperate effort to unite the various factions of their party, adopted a platform which asserted that "whenever amendments are to be made to our State Constitution, they should be affected by a convention of the people," that they were "in favor of submitting it to the people to say, whether such a convention should be called or not," and that if called the convention should meet "for the purpose of making amendments to our Constitution." This was truly a masterpiece of meaningless verbiage. The endorsement of a convention was a sop to the West, which might hope if a convention were called to procure a change in the basis of representation; the provision to leave the decision as to calling a convention to the people was an assurance to the East,

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[7] Boyd, *History*, 308.

since nobody expected a favorable vote on such a proposal; while the careful omission of any reference to particular amendments committed the party to nothing. The task of defending this colorless document was entrusted to John Kerr of Caswell County.

The Democratic party, on the other hand, knew exactly what it wanted. On May 13 it held in Raleigh the largest convention in its history up to that time. Enthusiasm and unity characterized its proceedings. It unequivocally demanded free suffrage by legislative initiative, declared emphatically "against changing the present basis of representation in the Senate and House of Commons of this State," and renominated Reid for governor by acclamation.

The result of the campaign was never in doubt. With their backs to the wall the Whigs fought hard and often viciously. Kerr ably presented the Whig attitude on suffrage reform—if the party's straddle can be called an attitude; but the Raleigh *Register* tried to divert public attention from the reform itself to the personality of the chief reformer. Its columns teemed with abuse of Reid whom it constantly characterized as "Holden's tool," "Holden's Man Friday," and the "prince of demagogues."[8] These attacks on the governor widened the breach in the Whig party, for a few Whig papers, scornfully refusing to follow the *Register's* lead, repudiated Kerr and supported Reid. The failure of the Whig party to take a definite stand against a change in the basis of representation hurt Kerr in the East and enabled Reid to carry six eastern counties which since 1836 had consistently voted the Whig ticket. Reid's majority ran up to 5,564. However, Democratic rejoicing over this victory was somewhat moderated by the fact that the Whigs had captured the Commons, leaving the Democrats in control of the Senate and with a majority of only two on joint ballot.

The outlook for free suffrage, therefore, was gloomy. Strangely enough the free suffrage measure passed the Whig Commons by the required two-thirds vote, only to meet defeat in the Democratic Senate. The Democrats had elected as speaker

[8] Hamilton, *Party Politics in North Carolina*, 156.

of the Senate Weldon N. Edwards, knowing him to be opposed to suffrage reform. Since a two-thirds vote was required to pass the proposed amendment, and since the Senate was composed of 50 members, the affirmative votes of thirty-four senators were necessary to complete the process for submitting the amendment to the people. The roll call showed 33 ayes and 15 nays, and Speaker Edwards, whose affirmative vote would have assured the triumph of his party, refused to vote! The Raleigh *Register* once more pronounced the funeral oration over free suffrage and ventured to predict that there was not now "a hustings in the State from which any one who begins to croak about free suffrage will not be driven with hisses and scorn."[9]

The Great Game of Politics

The Democrats were doomed to suffer another great disappointment at the hands of the Legislature of 1852. Mangum's term in the United States Senate was to expire March 3, 1853, and the Democrats with a majority on joint ballot naturally expected to select his successor. Disaffection within their own ranks crushed this hope. The caucus unanimously nominated James C. Dobbin, but a few disgruntled Democrats who had not attended the caucus bolted the ticket and supported Romulus M. Saunders. The Whigs nominated Kenneth Rayner but, knowing they could not elect him, several Whigs threw their votes to Saunders in order to keep him in the running and prevent the election of Dobbin. The contest was long and bitter; everybody became "wearied and exasperated"; and the Democratic party, "distracted by jealousies," saw opening in its ranks "a fearful chasm of disorder," which threatened to "engulf its unity, if not its very existence." Finally, in the interest of harmony Dobbin withdrew his name, but it was then too late.[10] The chasm could not be bridged and the Legislature adjourned without electing a senator.

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[9] Hamilton, *op. cit.*, 158.

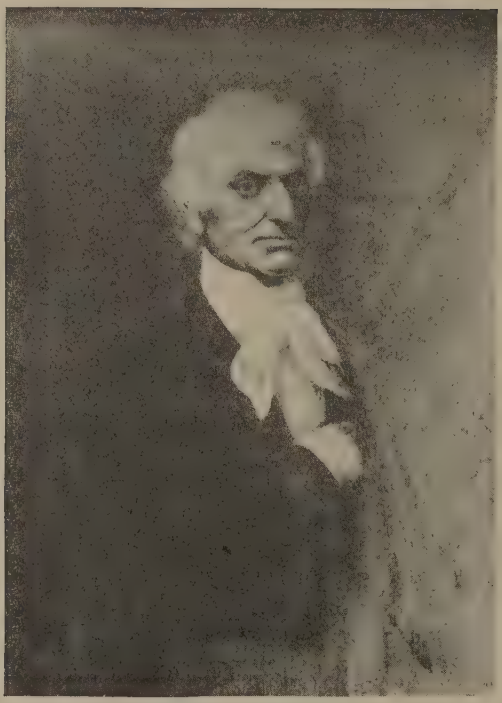
[10] Wheeler, *Reminiscences of Eminent North Carolinians*, 151. Wheeler represented Lincoln County in the Commons and was a supporter of Dobbin; he wrote of the contest from personal recollections.

Nothing would have been more natural than for the Democrats, returning to office after so long an absence, to gather hungrily about the spoils. It must be said, however, that they manifested no such greed. Logically enough they organized the two Houses and voted as a rule for a United States senator along party lines, but in the election of administrative and judicial officials they showed no tendency toward wholesale proscription. William Hill, a Whig, who had been secretary of state since 1811, was reelected by the Democratic Legislature of 1850 and by subsequent Democratic Legislatures until his death in 1859. The Democratic Legislature of 1852 created the office of state superintendent of common schools and elected to it the Whig member from Guilford, Calvin H. Wiley, who was reelected by Democratic Legislatures in 1854, 1856, 1858, and 1860. In 1852 also the Legislature elected as attorney-general over a Democratic competitor Matt W. Ransom, who in the campaign just closed had been a candidate for Presidential elector on the Whig ticket. The same body chose a Whig to the vacancy on the Supreme Court, caused by the resignation of Thomas Ruffin, a life-long Democrat.

The Resignation of Chief Justice Ruffin

The resignation of Ruffin was an event of great importance in the judicial history of the state. Posterity has confirmed the judgment of his contemporaries who assigned to him first place among the state's great jurists. After five years on the Superior Court (1816-1818), Ruffin was elected associate justice of the Supreme Court in 1829, and in 1833 succeeded Leonard Henderson as chief justice. During his long career on the Supreme Court he was associated with Henderson, Hall, Daniel, Nash, Battle, Pearson, and Gaston, among whom he was *facile princeps*. By 1852 his fame as a judge had become a part of the state's history upon which bench, bar, and the public alike looked with great pride.

Since its creation in 1818 the Supreme Court had won its way but slowly into the public confidence. In almost every Legislature before 1832 bills were introduced to repeal the act of



THOMAS RUFFIN

1818 and to restore the old Court of Conference, or to destroy the Supreme Court by the simple process of reducing the salaries of the judges. The election of Ruffin in 1829 tended to strengthen the Court in public confidence, but the resignation of Hall in 1832, and the death of Henderson in 1833, were made occasions by its enemies for a renewal of their attacks. Ruffin found himself in an extremely disagreeable situation. His personal relations with Daniel, who had succeeded Hall in 1832, were not pleasant,[11] and the constant attacks on the Court irritated him almost beyond endurance. After Henderson's death, therefore, he determined to resign unless Gaston could be induced to become his colleague.

It was under these circumstances that the drive was made on Gaston to induce him to become a candidate for the vacancy.[12] "Nothing, I fear," wrote a prominent Raleigh lawyer to him, two days after Henderson's death, "can save the Supreme Court, unless you will consent to take a seat upon it." A few days later Governor Swain, George E. Badger, and Thomas P. Devereux joined in a letter to Gaston in which they declared, "We think *your* appointment to the Bench the only event that will preserve the Court." Ruffin frankly declared that his own course would be determined by Gaston's decision. In a letter to Gaston, urging him to allow his name to be presented to the Legislature for election, and denouncing in vigorous language the attacks on the Court, he said: "I can submit to *any* law; but I cannot degrade myself into a submission to the unauthorized caprice of the sycophants (not the representatives) of the people. *Such* a tyranny ought to be resisted and, in this case, can be resisted only by refusing to eat the bread of dependence." This course he declared he would take unless Gaston became his as-

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[11] This statement is based upon private letters of Judge Ruffin to Judge Gaston which have never been published.

[12] Connor, H. G., *William Gaston*, 26-28.

sociate. "I said to Devereux," he concludes his letter, "that I had rather serve with you than any man on earth."

Gaston's election and acceptance removed the immediate danger and the distinction which he and Ruffin brought to the Court assured its life during their incumbency. But Gaston had died in 1844 and now in 1852 came Ruffin's resignation, precipitated, as many of his friends believed and openly asserted, by his unpleasant relations with Judge Pearson, who had been elected an associate justice in 1848.[13] Ruffin's retirement reopened the whole question of the future of the Court. The new danger, however, was not so much its abolition as the popular election of judges for a term of years—a "reform" abhorrent to old-fashioned ante-bellum lawyers. In 1850 the Democratic party had specifically declared in favor of popular election of judges, while the Whigs had included it among those amendments which a convention might consider. Members of the bench and the bar were genuinely alarmed. Wrote a prominent lawyer to Ruffin, lamenting his resignation, "I have no idea what the Legislature will now do with the Judiciary System of our State, but am satisfied that the fact of your being Chief Justice has heretofore been a check upon innovation. I am fearful that your resignation will open the door to all kinds of mischief."[14] "As one result [of your resignation]," wrote a prominent merchant of Fayetteville, "I fear the politicians will

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[13] B. F. Moore, writing to Ruffin from Raleigh, November 26, 1852, said, "There are nine-tenths of the members of this Legislature who believe and say, that you have not told the *whole* truth in assigning your motives for retirement. When your resignation was read in the Senate, Woodfin, I am told, said very audibly, '*Just as I expected and foretold four years ago, that d—d fellow has driven the Chief Justice from the bench.*' Mr. Lillington asked me with the appearance of great concern if the Chief Justice had said anything in his letter to me about quitting the bench in consequence of Judge P.'s conduct. Of course, I answered that you had not, and stated that I should publish it. I told him further, that you had written P. a farewell letter, perfectly courteous and friendly in its terms. But the opinion is gone forth, that certain matters, behind the curtain, have precipitated, at least, your retirement, and it is fully believed."—*Ruffin Papers*, II, 357-358.

[14] *Ibid*, II, 351.

not permit the court in its present form, to remain very long."[15] Ruffin himself was apprehensive. In his letter of resignation to the General Assembly he declared his conviction that the people would be "happy in the administration of justice, honest, and contented, as long as they keep, and only so long as they keep, the independent and sound Judiciary now established in the Constitution."[16] His private correspondence shows that he was sounding a warning against the popular election of judges.

Fears of legislative tampering with the Court were not realized, for neither of the parties was sincere in its declaration in favor of electing judges by popular vote. A more serious danger in 1852 was that Ruffin's successor might be chosen for political rather than judicial reasons. The Legislature met October 4, but Ruffin withheld his resignation until November 17 in the hope that "other exciting elections may then, probably, be over, and thus not be blended with or influence that to this vacated office."[17] He miscalculated, however, for he could not foresee the long-drawn-out senatorial contest between Dobbin and Saunders. The two leading candidates for the vacancy were both Whigs—William H. Battle and B. F. Moore—but there were one or two hopeful Democratic aspirants in the offing. In a letter to Ruffin, Moore expressed the belief "that any man who is a tolerable lawyer, who, next week, could give Mr. Dobbin twelve votes in addition to his present friends, would secure his place on the bench."[18] But Dobbin was not the man to consider such a trade and the Democrats declined to make the judgeship a party spoil—a decision highly creditable to them since Ruffin was a Democrat and since the two associates remaining on the bench, Nash and Pearson, were both Whigs. Nevertheless, the legislators, voting "without distinction of party," elected the Whig Battle by a close vote.[19] Judge Battle took his seat on the bench as associate justice, and Associate

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[15] *Ruffin Papers*, II, 362.
[16] *Ibid*, II, 349.
[17] *Ibid*, II, 347.
[18] *Ibid*, II, 357.
[19] *Ibid*, II, 361.

Justice Frederick Nash succeeded Ruffin as chief justice. Saunders was elected to succeed Battle on the Superior Court, to the disgust of straight party Democrats, who believed his election was his reward for his conduct in the senatorial contest.

Free Suffrage Comes Back

In keeping free suffrage alive as a party issue those Whig senators who defeated it in 1852 served their party badly; the Democrats must have felt a secret gratitude to them for thus assuring at least two more Democratic victories. In 1854 the Democratic convention declared that "we will never abandon the great principle of Free Suffrage, but will unite with our fellow citizens of both parties in pressing it, in the face of all opposition and difficulties, to its final triumph." Since Reid was no longer eligible for reelection, Holden, who had become the party dictator, selected Thomas Bragg of Warren County as the Democratic candidate for governor and the Democratic convention ratified his choice.[20] The Whigs, now grasping at straws, thought it wise to concede the popular demand for free suffrage and to make their fight on the method of obtaining it; they declared, therefore, for a convention to be called by the Legislature without reference to the people, with the proviso, however, that it should not change the basis of representation. They nominated for governor Alfred Dockery of Richmond County.

In the campaign with Bragg, Dockery tried to sidetrack free suffrage in favor of internal improvements and public schools. The Whig convention had declared specifically for the extension of the North Carolina Railroad east to the coast and west to the Tennessee line, and this plank was extremely popular in the West. Wise heads among the Democrats, however, had robbed him of the advantage he would otherwise have had by inserting in the Democratic platform a strong declaration in favor of state aid for "the completion of the works already undertaken." Early in the campaign Dockery came out strongly for the western road while Bragg was utterly indifferent toward it. Dockery accordingly "was gaining votes rapidly in the

[20] *Memoirs*, 8.

West" when Holden warned Bragg that unless he came out "boldly and emphatically" for the western road he would be beaten. Bragg took the advice, but not until much mischief had been done.[21]

The Democrats were saved from defeat by gains in the East. Western Whigs had been angered at the declaration in their party's platform that the Legislature should forbid the constitutional convention, if called, to consider a change in the basis of representation, and in April a largely attended Whig meeting at Asheville repudiated this plank and declared that the Legislature had no power to restrict a sovereign convention. They demanded, therefore, that if such a convention were called it should take up the question of representation.[22] Many eastern Whigs, fearing such a result, preferred to play safe by voting the Democratic ticket, thus enabling the Democrats to carry seven eastern counties which theretofore had normally been Whig. Bragg thus pulled through but by a majority of 2,061 only—less by 3,503 than Reid's majority in 1852.

The Democratic losses in the gubernatorial election, however, were more than made good by their gains in the Legislature. They captured both Houses by substantial majorities—the Senate by a majority of twelve, the Commons by ten. Accordingly they easily defeated the Whig measure to call a convention, introduced in the Senate by ex-Governor Graham, and put through their own bill for the submission of a free suffrage amendment by legislative initiative. In the Senate five Whigs, and in the Commons 29, voted for the bill.

The Whigs Play Politics

The Legislature of 1854 had two United States senators to elect—one to succeed Mangum whose term had expired March 3, 1853, the other to succeed Badger whose term was to expire March 3, 1855. On joint ballot the Democrats had a majority of 22 and expected no difficulty in electing both senators. There were four candidates—Governor Reid, Asa Biggs, Burton

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[21] *Memoirs*, 9.

[22] Boyd, *History*, 296, 311.

Craige, and Thomas L. Clingman, who had recently gone over to the Democracy. Dobbin, who was now secretary of the navy in Pierce's Cabinet, declined to be a candidate. There was some sentiment, not all within Whig circles, favoring the reelection of Badger because of his vote for the Kansas-Nebraska Bill. Badger's supporters urged that the slavery question transcended all party lines and that his experience in the Senate, and his high position in the national councils of the Whig party would enable him to serve the state and the South better in the crisis which had arisen than a new and inexperienced man. This argument, however, did not appeal to the Democrats who, warned by their experience of 1852, determined to elect both senators immediately upon the organization of the two Houses in order to forestall the possible rise of factionalism within their own ranks.

The Whigs, on the other hand, urged that the election be delayed to await the arrival of one or two tardy Whig members. Their real purpose, however, was if possible to create a division within the Democratic ranks. Zebulon B. Vance, then serving his only term in the Legislature, speaking in the Commons for the minority, declared that it was but fair and just to wait the arrival of the absentees in order to give the Whig party a chance to die decently. The Democrats in their haste, he said, reminded him of those beasts which glut themselves on carrion, so anxious were they to have a bite at the carcass of the Whig party. He repudiated the charge that the Whigs were seeking to disorganize the Democratic party, since "it possesses," he declared, "all the necessary elements of destruction within itself and will dissolve soon enough without any such aid."[23] But Vance and his Whig colleagues were merely whistling to keep up their courage; they knew that their own party was practically dead; indeed, some of them were already casting about for a new berth among the Know Nothings.

The Democratic caucus adopted the two-thirds rule and nominated Biggs to succeed Badger for the long term. For the short term Reid received a bare majority, and as it seemed un-

[23] Raleigh *Register*, November 25, 1854.

likely that he could increase his vote, his friends rescinded the two-thirds rule and nominated him by a majority vote. The Whigs hoped that Craige's friends would feel so outraged at this course that they would refuse to support Reid. They planned, therefore, to throw their support to Craige "in order to create disunion among the Democrats"; but if Craige declined to lend himself to such a scheme, they planned to take up Saunders again. "It is probable," wrote a Whig commoner, "that either will take off votes from Govr. Reid."[24] The Democrats, of course, were not to be entrapped by such a childish plot; it is interesting chiefly as showing the helpless condition to which the once powerful Whig party had been reduced. Biggs and Reid were both elected by the solid Democratic vote. The only consolation the Whigs got out of the result was the discomfiture of Clingman, who, wrote one of them, was seen with "great dissatisfaction and chagrin" on his face, "moving about the Lobbies today with no one to speak to or bless him. . . . It is hardly possibly that he should not feel deeply the blow that has stricken the untasted cup from his lips. Both parties seem to look upon him as the Czar did upon Turkey—as a sick man politically."[25]

Reid's election to the senatorship raised an interesting constitutional question as to the succession to the governorship. The Constitution provided that upon the governor's death, inability to serve, or absence from the state, the speaker of the Senate "shall exercise the Powers of Governor" during the vacancy. Accordingly on December 5, 1854, Reid notified the Legislature that on the following day he would deliver the great seal and the records of his office to Speaker Warren Winslow. Immediately the question arose whether Winslow would thereupon become governor and thus vacate the speakership. Ex-Governor Graham, expressing the view held generally by Whigs, offered a resolution declaring that "Speaker Winslow was Governor until January 1, and the office of Speaker is thereby va-

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[24] S. F. Phillips to D. L. Swain, Raleigh, November 23, 1854. *Swain Papers* in Collections of North Carolina Historical Commission.

[25] *Ibid.*

cated."[26] The Democrats, who were inclined to take a contrary view, were confirmed in their position by a letter from ex-Chief Justice Ruffin, written in reply to an inquiry from the speaker of the House of Commons, in which Ruffin expressed the opinion that Winslow did not become governor but simply assumed "the Executive functions" in additions to his functions as speaker.[27] The Democrats adopted his construction of the Constitution and together with a few Whigs, who declined to follow Graham, killed the Graham resolution by a vote of 23 to 22.[28] Winslow accordingly continued to preside over the Senate and also to exercise the duties of governor until the inauguration of Governor Bragg, January 1, 1855.

The Know Nothing Campaign of 1856

By this time the Whig party was pretty badly shot to pieces, although less by Democratic victories than by internal dissensions. Free suffrage and slavery extension not only divided the party into hostile groups but drove many of its leaders into the Democratic ranks. Chief among them was Thomas L. Clingman, who had represented the Asheville district in Congress since 1843. Others, finding themselves unable to maintain the Whig organization, and unwilling to become Democrats, sought asylum in the American or Know Nothing party. The new party had been originally a secret oath-bound society founded on the specious slogan of "America for Americans." As a national organization its cardinal principles were rigid restrictions on immigration, opposition to participation in American politics by recent immigrants, and hostility to the Roman Catholic Church. Although there was no foreign problem in North Carolina, and although the Catholic Church was a negligible factor, the organization grew rapidly in the state and in 1855 estimated its membership at 35,000. The real reason for its growth was the disintegration of the Whig party. A few Democrats, unaware of its true character, joined the organization at first, but promptly resigned

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[26] Ashe, *History*, II, 503.
[27] *Ruffin Papers*, II, 436-440.
[28] Ashe, *History*, II, 503.

upon discovering that it was merely their old Whig enemy masquerading under a new name. It is probable that most of the Whig leaders who cooperated with the American party were never initiated into its secrets. Chief among those who became full-fledged members was Kenneth Rayner, who framed and secured the adoption by the national council of the third, or so-called "Union" degree, distinguished for its oath of allegiance to the Union. Zebulon B. Vance was charged with being a Know Nothing and did not deny the accusation. A few Whigs, notably John Kerr, refused to join and became Democrats.

The Americans made their political debut in North Carolina by electing two congressmen in 1855. This success encouraged them to hold a state convention at Greensboro, April 10, 1856, to nominate a state ticket. "The convention was a shouting, enthusiastic, and confident assembly of two hundred and fifty delegates."[29] In its platform it declared for "a progressive system of internal improvements" and "against the policy of the General Government squandering the public lands to provide homesteads for foreign paupers and convicts." The convention declined to commit the party on the suffrage issue, "in order that the paramount principles of Americanism may not be trammelled in the ensuing contest by vexed state questions made up by former political organizations." On this platform it nominated John A. Gilmer for governor.

The Democratic convention met in Raleigh, April 14, and renominated Bragg without opposition. In state affairs the convention reaffirmed the platform of 1854; declared its opposition to the squandering of public lands in donations to paupers and convicts, "whether of native or foreign extraction"; took a firm stand against "intolerance and proscription on account of religious opinion, either by Catholics or Protestants"; and denounced the Know Nothing party as "corrupting and dangerous in its influences and tendencies."

In the campaign that followed, North Carolina politics probably sank to a new low level, certainly since 1835. Both nominees were strong men and powerful campaigners but they could not

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[29] Hamilton, *Party Politics*, 176.

rescue a campaign waged on such issues from the demagogism of their followers. The Democrats denounced the American party as a secret society, controlled by a small group of leading abolitionists, and warned the people against this "dark lantern movement." The Americans asserted that Democratic success meant the control of American politics by the Pope, with the strong likelihood of his coming to the United States to become President, or at least to become governor of North Carolina.[30] Gilmer, of course, never had a chance. The Democrats had not only the better cause but also a far more effective organization. Free suffrage was still a live issue and public sentiment was overwhelmingly for it. Moreover, Know Nothing orators found difficulty in persuading North Carolina voters that their institutions and liberties were endangered by the presence in the state of 3,298 foreigners and 3,250 Roman Catholics.

The Know Nothings were also handicapped by the rise of "Black Republicanism" in the North and the nomination of John C. Fremont as the "Black Republican" candidate for the Presidency. When in February the national convention of the American party nominated Fillmore for President, seventy-one northern delegates bolted because of Fillmore's supposedly proslavery leanings, and later, in June, nominated Fremont for President and Kenneth Rayner for Vice President. Rayner promptly declined the nomination but the incident was sufficient to enable the Democrats in North Carolina to charge the Americans with abolition sympathies. Nothing more was needed to complete their discomfiture, and the Democrats swept the state by a majority of 12,628.

The Triumph of Free Suffrage

The Democrats carried the Legislature by the largest party majority since the organization of the Whig party. In the Senate their majority was sixteen, in the Commons forty. Opposition to the free suffrage amendment had now dwindled to a mere handful of "die hards"; the amendment accordingly passed

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[30] Hamilton, *op. cit.*, 177.

the Senate by a vote of thirty-nine to eight and the Commons by a vote of ninety-eight to five, all the negative votes coming from Americans. Popular ratification was assured. It was given in August, 1857, by a vote of 50,007 to 19,379. Free suffrage had sounded the death knell of the Whig party; Holden's prophecy of 1848 had been fulfilled.

The Ellis-Holden Contest

In the meantime, however, the Democratic party had undergone a transformation analogous to that of the Whig party between 1836 and 1848. As long as it remained the minority party, if on the one hand it had difficulty in inducing men of ability to accept its nominations, on the other it was free from internal discord. By 1856 it had become the majority party, its victory at the polls was assured, and it had to pay the price of success. Men now eagerly sought its nominations and their rivalries seriously threatened its unity. Moreover the party had won its initial success because it stood for a liberal principle of government; but success and responsibility had made it conservative. In 1848 it advocated change; in 1858 it stood for the *status quo*. It had become the self-constituted guardian of the rights of property, especially of slave property, and had lost touch with the masses.

The year 1858 witnessed in North Carolina "the first pre-convention campaign in the political history of the state,"[31] with radically differing elements in the Democratic party staging a spirited contest for the nomination for governor. Confidence in party success had brought at least six candidates into the race, but only two of them developed any strength and the other four soon withdrew.

One of the two was W. W. Holden. Conscious of his invaluable services to the Democratic party, which even his enemies admitted he had made "all powerful in North Carolina," Holden felt that the time had come for him to demand his reward; and he now began to manifest "an inordinate desire for office. It may be that daily association with men who were struggling

[31] Hamilton, *op. cit.*, 184.

JOHN WILLIS ELLIS

for place, and the constant strife of parties for political control, gave him an exaggerated sense of the value of such honors; or it may be he sought distinction along this line to mark the final escape from his lowly origin. At any rate, the year 1858 saw the beginning of his office seeking and of the decadence of his influence."[32] The non-slaveholding rank and file of the Democracy who saw in his rise to power the triumph of their class, were overwhelmingly for him. He was the favorite, too, of the press of both parties. The Raleigh *Register,* his old journalistic rival, declared that "it would be a burning shame if one who has spent his life in making great men out of the very smallest sort of materials should be refused the reasonable reward he so urgently seeks."[33] The Fayetteville *Observer* favored his nomination, but did not expect it. "How dare an editor of a newspaper," it asked with biting sarcasm, "a man who has worked with his own hands, aspire to reward from the Democratic party?"[34]

The *Observer* spoke with great prescience. To the powerful aristocratic slaveholders who dominated the Democratic party Holden was decidedly *persona non grata.* They were perfectly willing to admit the lowly born editor into their confidence as counsellor and promoter of their own political aspirations, but they were quick enough to turn down their thumbs at him as a rival. His humble birth and his lack of family connections and traditions offended their social instincts; his sympathies with the rapidly growing artisan class, plainly becoming increasingly restive under the slave régime, aroused their suspicions of his devotion to their own peculiar economic interests. Moreover the hundreds of former Whigs who had recently found snug berths in the Democratic fold still detested the great "apostate" of 1843. Looking about for a candidate against Holden, these elements in the Democratic party fixed upon Judge John W. Ellis, of Rowan County, a "typical English southerner of the slaveholding class," "decidedly aristocratic by birth and

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[32] Pittman, "William Woods Holden" (*Biographical History of North Carolina,* III, 191).

[33] Hamilton, *op. cit.,* 184.

[34] *Ibid,* 185.

training," and a politician "of the strictest state rights views."[35] He was willing to accept the nomination but declined to leave the bench to make the race.

Ellis drew first blood in the selection of the meeting-place of the state convention. No state Democratic convention had ever met elsewhere than in Raleigh, but in 1858 the Ellis faction objected to Raleigh as the home of Holden; accordingly they induced the executive committee to select Charlotte. Ellis again scored when the convention adopted a rule "that the delegation from each county should cast as many votes [in the convention] as their county had cast for the Democratic candidate in the gubernatorial election of 1856."[36] This rule favored Ellis because his strength came chiefly from slaveholding eastern counties where the Democratic vote was largest. Yet as the irony of fate would have it Ellis owed his nomination to a delegate from a mountain county who came to the convention with his pocket full of proxies all of which he cast for Ellis. No wonder Holden denounced the result as having been accomplished "by means that would be considered unfair by a New York politician."[37] Ellis received in the convention a vote representing a popular vote of 25,051 to Holden's 21,594, and was nominated on the first ballot. Holden received the votes of only three eastern counties.

In the campaign that followed Ellis had no organized opposition. The Whig-Americans, discouraged by the results of the election of 1856, were unable even to hold a convention. Opposition to Ellis, therefore, came from within the Democratic ranks. The Charlotte convention adopted a platform which approved of the extension of state aid to internal improvements and denounced the distribution of the proceeds of the sale of public lands as "unconstitutional, anti-democratic, and impolitic." Thereupon, Duncan K. McRae, an erratic Democratic politician, announced his candidacy for governor as an inde-

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[35] Wagstaff, *State Rights and Political Parties in North Carolina*, 99-100.

[36] *Ibid*, 99.

[37] Ashe, *History*, II, 516.

pendent Democrat opposing state aid to internal improvements and favoring distribution. The Whig-Americans took no steps to endorse McRae formally, but their press advised and urged them to vote for him. The joint debate between Ellis and McRae was heated and at Beaufort the two men actually came to blows.[38] Ellis had no difficulty in defeating his opponent by the unprecedented majority of 16,383, and the Democrats carried both Houses of the Legislature by corresponding majorities. One bright ray lighted the gloom of the Whigs—Zebulon B. Vance was elected to Congress in the Asheville district. Despite the fact that this was a personal, not a party triumph, the Whigs attempted to make much of its political significance.

From the point of view of party politics the only interest in the Legislature of 1858 was the election of two United States senators. Senator Biggs had resigned in May to accept appointment as United States judge for the District of North Carolina and Governor Bragg had appointed Clingman to the vacancy. Reid's term was to expire March 3, 1859. No opposition developed within the party to the reelection of Clingman, but both Bragg and Holden were candidates against Reid. In the party caucus on the first ballot the vote stood, Bragg forty, Holden thirty-six, Reid eighteen. Reid resented the candidacy of his old friend and ally, Holden, and on the second ballot threw his influence to Bragg, who was nominated.[39]

Holden's second defeat within the year strained still further his relations with the leaders of his party, while his advocacy of *ad valorem* taxation of slaves in the campaign of 1860 and his conservative course on slavery and secession at the Democratic national convention, first at Charleston and later at Baltimore, completed the breach. The extreme state rights party leaders determined to destroy him. Since 1854 he had held the office of state printer—the most profitable office in the gift of the General Assembly—which custom sanctioned as the patron-

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[38] Hamilton, *op. cit.*, 188.

[39] In his *Memoirs*, Holden expressed regret that he had been a candidate against Reid. "It was really," he wrote, "not opposition to him so much as to Governor Bragg . . .," pp. 7-8.

age of the organ of the party in power. This office the leaders in the Legislature of 1860 determined to deprive him of. "The rank and file were astounded. When required to abandon their old and approved leader, one who was known to have been the very heart of Democracy for long years past, the most talented and hitherto the most influential of their party, plain, honest members, gasped in wonder; and very many of them had the moral courage, at first, to oppose their leaders. Many honest Democrats, . . . could not at first understand why a native North Carolinian . . . was to be superseded by a man lately from England, naturalized last April, . . . an avowed disunionist. . . . This first important move of the leaders was carried by a bare majority in caucus; but being carried, the rank and file, true to discipline, came in the next day and voted *unanimously* for John Spelman for public printer."[40] Henceforth Holden ceased to regard himself as a Democrat.

The importance of Holden's contests within his own party far transcends the personal interests involved. They left behind not merely disappointment but bitterness also. Holden had been a state rights radical, he now became a conservative; he had been a Secessionist, he now became a Unionist; he had been a rabid Democrat, he was soon to become an even more rabid Republican. In his political peregrinations he carried with him the great majority of that class whose political aspirations seemed to find expression in his own career. His defeat in his own party, therefore, represented less the personal victory of Ellis over Holden, or of Bragg over Holden, than the triumph of the slaveocracy over the rising young democracy, and so was "the entering wedge of a class distinction" of tremendous import in the subsequent history of the state.[41]

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[40] Letter of Jonathan Worth written from Raleigh during the session of the General Assembly of 1860.—Hamilton (editor), *Correspondence of Jonathan Worth*, I, 125-126.

[41] Wagstaff, *State Rights*, 99.

A New Democracy Challenges the Slaveocracy

By this time the Democratic party was completely under the domination of the slaveholding interests. The slaveocracy, of course, had largely controlled both parties, but the disappearance of the Whig party in the South coincidentally with the rise of "Black Republicanism" in the North, left the slaveholding interests no alternative except to seek safety under the wing of the Democracy. The Democracy accepted the trust and thus the Democratic party in the state became the special guardian of the slaveholding interests at the very time that a new economic class with quite different interests was about to challenge the slaveocracy to a trial of strength on a fundamental question of popular government.

This question involved the problem of taxation. In 1835 the slaveocracy wrote into the Constitution a provision that relieved property in slaves from all taxation except a poll tax. The Constitution also provided that a poll tax be levied on all free males between the ages of twenty-one and forty-five inclusive and upon all slaves, male and female, between twelve and fifty inclusive. Slaves under twelve and over fifty were thus exempt from all taxation. Moreover, as a further protection to property in slaves, the Constitution provided that the poll tax must be equal on all those, bond and free, who were subject to it.

This scheme gave rise to glaring inequalities in favor of slaveholders. It was pointed out in 1859 that there were in the state 187,842 slaves under twelve and over fifty, worth in the market $112,568,800, upon whom no taxes were paid. The number of taxable slaves was 159,925, valued at $139,000,000; upon this property the state collected an annual revenue of $75,462; at the same time $31,000,000 loaned at interest paid into the state treasury a revenue of $76,000. Land, too, bore a burden altogether out of proportion to that borne by slave property. The owner of a tract of land worth $1,000 was taxed $1.50, the owner of a slave worth $1,000 was taxed 50 cents. Moreover, by the revenue act of 1856, a free white mechanic who earned annually $500 or more paid in addition to his poll tax of 50 cents a license tax of $5; but the owner of a slave mechanic who

might hire out his slave in competition with the white mechanic paid a tax of 50 cents only.[42]

These and other similar inequalities bore especially hard upon two classes, viz., the landless laborers and the non-slaveholding tenants and small farmers. Since 1840 both these classes had grown in numbers and importance. During the decade from 1850 to 1860 manufacturing and commerce developed rapidly in the state; more than one thousand new industrial plants were established and over six hundred miles of railroad were built. In 1850 the number of persons engaged in occupations listed in the census under the head of "commerce, trade, manufacturing, mechanic arts and mining" was 20,613; in 1860 the number was 30,017. In 1860 there were 85,198 farmers in the state, 58,497 of whom owned no slaves. There were also 19,119 "farm laborers."

Moreover by 1860 the non-slaveholding classes were beginning to develop a class consciousness and to become articulate. Their awakening may confidently be attributed to a large extent to the success of the common schools which drew their patronage almost entirely from these groups. Much of the opposition to the common school system was inspired by the fear that the slaveocracy felt, perhaps unconsciously, of the power of the masses if once awakened by education, though perhaps few men cared to be so frank about it as the candidate for the Legislature in Edgecombe County who declared that he opposed the education of "the poor class of people" because "an education would make them more dangerous than they would be without it."[43] One of the first men to sense the rise of this new power and to understand the cause was Holden. In an address at the Cumberland County Fair, in 1859, after tracing the progress of "agriculture and the mechanic arts" in North Carolina during the preceding decade, he turned to the workingmen in his audience and said to them: "Let no man be ashamed of mechanical labor. . . . Rather let the mechanic be proud of his skill,

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[42] Wagstaff, *op. cit.*, 109-111.

[43] Turner and Bridgers, *History of Edgecombe County*, 371.

of his industry, and of his usefulness to society. . . . Remember that you are now a power in the State; and that Common Schools and internal improvements are constantly increasing your intelligence, your influence, and your power."[44]

The workingmen were not only conscious of their new power, but they were already beginning to organize for the promotion through political action of their class interests, and Holden knew it. One of the earliest steps in this direction was the organization in Raleigh in October, 1859, of the Raleigh Working Men's Association. "This organization," writes Professor Wagstaff, "fully equipped with officers and machinery, immediately showed its intention of organizing all mechanics and workingmen throughout the state. Its object, as set forth in published resolutions, was a reform of the state's laws for raising its revenue. These laws, the workingmen averred, were not framed in accordance with the principles of justice and equality; they discriminated against the non-slaveholder and operated most heavily upon those who were least able to bear the burdens of the state. The third resolution read: 'That it becomes the mechanics and workingmen of North Carolina, while respecting the rights and principles of others, to look also to their own rights and interests, and to insist upon that political equality and that participation in public affairs to which they as free men are entitled.' Apparently the political motive was not to lag behind the economic motive. An address to the people of the state, signed by the society, appeared December 14, in which the economic motive was stressed. The workingmen's first demand was an equalization of taxation so that slave property might be compelled to pay its equal portion of the public expense."[45]

The workingmen demanded a constitutional amendment providing for *ad valorem* taxation of slave property. Interestingly enough they did not originate the idea. In 1856 Moses A. Bledsoe, a slaveholding Democratic commoner of Wake County, in-

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[44] Fayetteville *Observer*, November 21, 1859.

[45] *State Rights*, 109-110.

troduced in the House of Commons a bill to submit the question to a popular referendum. His bill of course was unceremoniously slaughtered. Two years later as senator from Wake he returned to the contest. By this time he had strong support. In the Senate, Josiah Turner Jr. of Orange, Ralph Gorrell of Guilford, and James G. Ramsay of Rowan, and in the Commons Oliver H. Dockery of Richmond, introduced bills providing for an *ad valorem* amendment either by legislative proposal or by a constitutional convention. The Democrats were adamant and promptly killed every such proposition.

The *ad valorem* advocates now determined to carry their fight to the people. They found a ready instrument for their purpose in the Working Men's Association and easily induced the association to take up their cause. The workingmen planned to organize an association in every county, to collect data showing the inequalities of the system in operation, and to appeal to non-slaveholders to use their political power to obtain justice and equality. In the early stages of the movement the *Standard* gave their program strong support, and after *ad valorem* became the issue in the campaign, the Whigs favoring and the Democrats opposing it, Holden's course proved so embarrassing to the Democrats that they dropped the *Standard* as the party organ and adopted the *Democratic Press*, edited by John Spelman.[46]

In this new question politicians of the minority party saw excellent political capital. They realized, however, that they must have a less odious vehicle than Know Nothingism to make use of it. Accordingly in 1859 the American members of the Legislature agreed to abandon Know Nothingism and to revive the old Whig party which still had a traditional appeal to large numbers of North Carolina voters. Their faith was justified in the congressional elections of 1859 when they elected four congressmen—John A. Gilmer, W. N. H. Smith, James M. Leach, and Zebulon B. Vance. Encouraged by these results the party held a state convention in February, 1860, nominated John Pool

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[46] Pittman, *op. cit.*, 192.

of Pasquotank for governor, and "by an overwhelming majority" endorsed the *ad valorem* amendment.[47]

A few Whig leaders refused to follow their party on this issue. Chief among the bolters was Kenneth Rayner, who openly declared that if the Democrats came out in opposition to the proposition he would support their ticket. What the Democrats would do at first seemed doubtful. Rayner found the leaders in Raleigh "evidently alarmed" and in need of "the aid and strengthening influence of [the] able, calm and dispassionate men of their party." Accordingly he wrote to Judge Ruffin urging him to be sure to attend the Democratic convention in March that "you may prevent the carrying out of this mischievous and pernicious measure."[48] "There will be a desperate effort made," he wrote a few days later, "to revolutionize the State, upon the *ad valorem* principle of taxation. The attempt will be made to carry it in the West, by getting up a furor against the *negroes* in the East. In the East, it is to be urged on the ground of its being a *poor man's law*. Much as I dislike the word, you may rely on it we are in a *crisis*. Come down then by all means, and let the conservative men without reference to *past* party issues confer together for the purpose of preserving the State. This movement, as I honestly believe, contains the mischievous elements of Seward's 'irrepressible conflict,' brought home to us."[49] He prophesied that, "If the Democratic Convention takes grounds against it, there will be to a very considerable extent a reorganization or recasting of parties."[50]

Rayner need not have alarmed his good friend Judge Ruffin about the course the Democrats would take. The personnel of the Democratic convention left no alternative to the adoption of a resolution denouncing *ad valorem* taxation of slave property as "premature, impolitic, dangerous, and unjust." The agita-

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[47] Kenneth Rayner to Thomas Ruffin, Raleigh, February 24, 1860.—*Ruffin Papers*, III, 70.

[48] *Ibid, loc. cit.*

[49] *Ibid*, III, 72.

[50] *Ibid.*, III, 70.

tion of the subject, they argued, would encourage the abolitionists, contribute to the defeat of the Democrats in the coming Presidential election, and thus endanger "southern rights." On this platform the Democrats renominated Governor Ellis.

Thus by an interesting bit of political legerdemain the two old rivals exchanged garments; the Whigs now appeared in the garb of liberalism, the Democrats in the cloak of conservatism. It is doubtful if the rank and file of either fully sensed the significance of the issue. To the one, *ad valorem* was simply an excellent campaign slogan with which to stage a political comeback; to the other, now the haven of vested interests, it was the envious cry of demagogism. A few shrewd leaders on both sides, however, understood that *ad valorem* was nothing less than another phase of the old struggle between freedom and slavery, democracy and slaveocracy, equality and privilege, now "brought home to us," and because they so understood it they waged the campaign with great bitterness.

The "Pots and Pans" Campaign of 1860

Upon the Whigs fell the burden of the affirmative. They presented their cause with vigor and ability, pointing out that the system in operation placed an unequal burden on free labor; that North Carolina was the only slave state that did not levy an *ad valorem* tax on slave property; that such a tax was consistent with the southern view of slaves as property; and that the state needed the extra revenue for schools, internal improvements, railroads, and the payment of the public debt.

In the early stages of the campaign the Democrats tried to shift the debate from state to national issues and posed as the defenders of southern rights. But finding that the people refused to become alarmed over the national situation and that public sentiment was swinging steadily to their opponents, they changed their tactics and attempted to meet them on their own grounds. They argued that the poll tax clause in the Constitution was the result of a compromise in the Convention of 1835 by which the East conceded the change in the basis of repre-

sentation to the West in return for protection to slave property; that *ad valorem* taxation of slaves would play into the hands of the abolitionists; and that it was unjust to tax the labor of eastern planters while the free labor of western farmers went untaxed. Such arguments, however, made but little impression on the non-slaveholder; but the Democrats scored heavily when they pointed out that the Whig proposal made no provision for exemptions from the *ad valorem* principle, which accordingly must be applied not only to slaves but also to the chickens and eggs, the household and kitchen furniture, and the pots and pans of the laboring man and to small landowner. This suggestion alarmed the ignorant and helped to some extent to counteract the arguments of the Whigs. Nevertheless the Whigs had the better of the debate, and although Ellis was elected it was by a majority less by 10,043 votes than his majority of 1852 over McRae.

The Democrats were greatly alarmed; the result was as portentous to them as the result of the election of 1848 had been to the victorious Whigs of that campaign. Rayner, writing from Raleigh after a visit to eastern North Carolina, correctly interpreted the result in a letter to Ruffin:

> I returned from Hertford on Saturday—having paid a hasty visit there, to attend to putting up my pork. I tried to sound public opinion, as it exists among the plain country people. I was mortified to find, as far as I could ascertain, that the feeling in that section, Hertford, Bertie, Gates, and adjacent country, was in a great measure in favor of "the Union at any and all hazards"—in other words, unqualified submission. I heard from several sources, that the people who did not own slaves were swearing that they "would not lift a finger to protect rich men's negroes." You may depend upon it, my dear Judge, that this feeling prevails to an extent, you do not imagine. You have no conception of the mischief done last summer, by the advocates of "ad valorem." They infused among the ignorant poor, the idea that there is an antagonism between poor people and slave-owners—in other words Seward's "irrepressible conflict," was insiduously preached; and we shall, I fear, have to reap a harvest of trouble from the seeds of mischief then sown.[51]

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[51] *Ruffin Papers*, III, 109. In the three counties he mentioned the Democratic

Thus, like the Democrats of 1848, the Whigs of 1860 had found a winning issue; but, unlike the Democrats, they were not to have the chance to test it out. They were denied that chance by the crisis that had arisen in national affairs, the rise and development of which must now be traced.

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gain over the vote of 1858 was 146; the Whig gain was 391.—*Legislative Manual* of 1913, 997, 999.

CHAPTER XXX

THE SLAVERY QUESTION

This chapter deals with the slavery question and the evolution of disunion sentiment in North Carolina from the opening of the war with Mexico to the outbreak of the Civil War. It is not concerned with the general history of slavery in the United States. The rise of abolitionism in the North and the bitter resentment which the movement aroused in the South; the contest between the anti-slavery party and the pro-slavery party over the extension of slavery into the national territories; the refusal of the northern states to observe their constitutional obligations relative to fugitive slaves and the various measures of retaliation adopted by the southern states—these and other phases of the slavery question belong to the history of the nation, not to the history of North Carolina. For the same reason no attempt will be made to trace the origin and development of the different theories of the nature of the Federal Union and to explain why the two sections adopted conflicting views on that question. It is assumed that the reader, if not already familiar with the history of these questions, will consult either special treatises on the subjects or the general histories of the United States. Nor will any attempt be made to fix the blame for the controversy between the two sections and its tragic results. On the contrary only such references will be made to these questions as may be necessary to show their influence on the history of the state of North Carolina with which alone this book is concerned.[1]

The Old Line Union Whigs

The Whigs regarded themselves—and, indeed, were so regarded by their rivals—as the heirs of the Federalist traditions

[1] The chief secondary sources for the subjects covered by this chapter are the same as those for the preceding chapter.

and, therefore, "the champions of the Union."[2] Especially was this true in the South where the Democrats were preeminently the state rights party. In no southern state was the Union sentiment among Whigs stronger than in North Carolina. Vance spoke for his fellow Whigs when he wrote in 1865 that he "was reared in the principles of devotion to the Federal Union, and [was] taught from boyhood to revere it as the palladium at once of our liberties and national greatness." His "whole political life," he continued, "up to the commencement of our recent troubles was characterized by earnest devotion to the indivisibility of the states, and was opposed by that bitter spirit of disunion which sought to fasten the stain of treason to their homes, upon all whose opinions concurred with his own."[3] To the end of their lives such men as Vance, Badger, and Graham proudly called themselves "old line Union Whigs."

The disintegration of the Whig party after the election of 1852, therefore, removed the chief check to the disunion movement in the South. An important factor in its downfall was the division in its ranks on the slavery question. North Carolina Whigs had been pretty well united among themselves, and in accord with their northern associates, on most national issues, such as the bank, distribution, internal improvements, and the tariff; moreover, before 1846, they stood for the orthodox Whig views on slavery;[4] but in 1846 a new turn was given to the slavery question which not only divided them from the northern wing of their party, but also produced dissension within their own ranks. It was unfortunate for them that these new questions became acute just at the time when the Democrats, who had no such differences on the slavery question, had found in free suffrage a winning issue.

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[2] Cole, *The Whig Party in the South*, 114.

[3] Application to the President of the United States for Pardon, June 3, 1865.

[4] Cole, *op. cit.*, 104.

The First Breach in the Whig Ranks

North Carolina had accepted the Missouri Compromise as a final settlement of the controversy over slavery between the free states and the slave states. Between 1820 and 1848, therefore, the political phases of the slavery question are rarely mentioned either in party platforms or in legislative proceedings. In 1840 the Democratic state platform denounced the abolitionists and demanded a strict construction of the Constitution of the United States; with this exception the subject is not mentioned in the platforms of either party before 1848. Only once during this period did the Legislature express its views on the power of Congress to deal with slavery. In a resolution in 1835 it conceded the constitutional power of Congress to liberate the slaves in the District of Columbia, but declared that such an act would be "a breach of faith toward those states, by whom the territory was originally ceded."

The Mexican War gave a tremendous impetus to the abolition movement and revived the question of the right of Congress to legislate concerning slavery in the territories. Many North Carolina Whigs had opposed the war on the ground that the acquisition of Mexican territory was its primary purpose. In the Senate, Badger charged that the war was being prosecuted for "the permanent conquest of New Mexico and California."[5] Whether the Whigs were right or not, it was certain that the United States, having gone to war, would demand from Mexico a cession of territory as the price of peace. It was the expectation that territory so acquired would be organized under the Missouri Compromise and that the states south of the compromise line would be admitted into the Union as slave states that made the war popular in the South and unpopular in the North. The anti-slavery forces, therefore, determined if possible to prevent this result, and in 1846 David Wilmot, an anti-slavery Democratic congressman from Pennsylvania, introduced in Congress his famous proviso that if the United States acquired any territory from Mexico "neither slavery nor involuntary servi-

[5] *Speech on the Ten Regiment Bill*, in U. S. Senate, January 18, 1848.

tude" should ever exist in any part of it. The proviso passed the House but was defeated in the Senate.

The Wilmot proviso at once became a political issue. Southern Democrats were unanimous in opposing both the policy and the constitutionality of the measure, and northern Democrats as a rule concurred in their position. No such unanimity, however, prevailed in the Whig party. Northern Whigs not only upheld the constitutionality of the proposal but indorsed it as a policy; southern Whigs were unanimous in opposing it as a policy, but could not agree among themselves as to its constitutionality. However, they quite generally resented the unanimity with which their northern colleagues supported the proviso, while many of them advocated the abandonment of former party lines in the South and the organization of a southern party. "It is time," said the Raleigh *Register*, "for party distinctions to sleep, and for the South to present a united front."[6]

The rift in the Whig party in North Carolina was revealed in the attitude of the two North Carolina senators toward the questions involved. The Federal Whigs, led by Badger, conceded the constitutional right of Congress to legislate relative to slavery in the territories; the state right Whigs, led by Mangum, denied it. Badger, though denouncing the policy of the Wilmot proviso—"this odious proviso," he called it—upheld the right of Congress to pass it. "I have said, and I say again," he declared, "that Congress has the constitutional power to apply the Wilmot proviso to this territory, and to all the Territories that belong to the United States. . . ." He warned the South, however, that the acquisition of Mexican territory would revive the agitation against slavery—"an agitation which, come when it will, must shake the Union from its center"—and he proposed to avoid the issue by the simple expedient of refusing to take such territory. These views he supported with great ability, and in the end voted against the ratification of the treaty of peace "because of the acquisition, and for no other reason."[7] Mangum, on the other hand, representing the views of the state rights Whigs,

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[6] Quoted by Wagstaff in *State Rights and Political Parties*, 78.

[7] *Speech on the Slavery Question*, in U. S. Senate, March 18-19, 1850.

voted for the treaty and demanded that Congress extend complete protection to the rights and interests of slaveowners in the territory so acquired, saying, "We stand by the Constitution and our rights, and we mean to stand by them under Heaven, and under that protection we believe that we have the power to maintain them, and we will do it at the hazard of our lives, and at the hazard of everything else. Everything or anything will be incurred in preference to dishonor and an ignominious submission to an imprudent, arrogant, and unconstitutional interference with our rights."[8]

The introduction of the Wilmot proviso came after the opening of the state campaign of 1846. It was not until 1848, therefore, that the two parties in the state had a chance to express their views on it. The Whigs met first on February 22, and as they were far from unanimous on the subject, attempted to solve their difficulty by ignoring the troublesome issue; the Whig ostrich simply buried his head in the sand and rested in fancied security. The Democrats, on the other hand, with no internal dissensions on the question, dared speak out plainly and emphatically. They denied the constitutional power of Congress to legislate against slavery in the territories and declared their opposition to the Wilmot proviso "in whatever shape it may be presented."

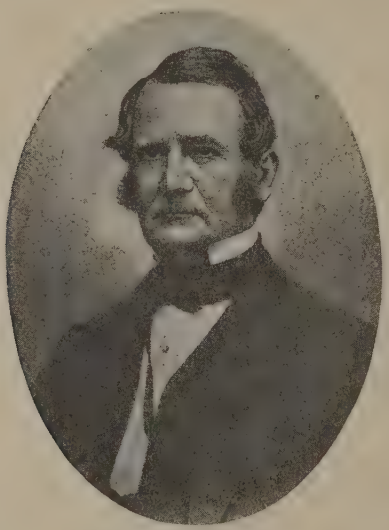
In the Presidential election of 1848 the frank stand of the Democrats on the question would have given them an advantage over their opponents had it not been offset by the personality of the Whig candidate. General Taylor was not only popular as a successful soldier, but was also a southerner and a slaveholder; Cass, on the other hand, was a northern politician and was strongly suspected even in Democratic circles of not being "sound" on the great issue. In North Carolina, therefore, many Democrats voted for Taylor, while an even larger number stayed at home on election day. Accordingly Taylor's vote in November exceeded Manly's vote in August by 2,181, while Cass received 5,119 fewer votes than Reid had received. Taylor's ma-

[8] Quoted by Boyd, *History*, 302.

jority was 8,154; he was the last Whig to carry North Carolina for the Presidency.

Graham in the Cabinet

North Carolina Whigs naturally expected this notable demonstration of their traditional loyalty to the party to be suitably rewarded. With Mangum and Badger in the Senate, and with Morehead immersed in industrial and railroad projects, the



William A. Graham

logical Whig for such national honors was William A. Graham, whose second term as governor was about to expire. Accordingly Taylor offered Graham his choice of the Russian and Spanish missions, but he declined both. Thereupon D. M. Barringer was appointed minister to Spain. After Taylor's death in 1850, Fillmore reorganized the Cabinet, in which he appointed Graham secretary of the navy. During his administration of the navy department Graham pushed through four important undertakings—the reorganization of the coast survey along more prac-

tical and useful lines; the adoption of a plan for the retirement of officers who had passed the age of usefulness; the fitting out of the expedition for the exploration of the Amazon; and the organization and dispatching of Perry's expedition to Japan. Graham won a high position in his party and in 1852 was nominated for the Vice Presidency.

A Victory for the Union

Consideration of the questions raised by the Wilmot proviso consumed much of the time of the Legislature of 1848. It brought out in sharp contrast the unanimity among the Democrats on the subject and the division among the Whigs; but far more significant were the frank discussions in the two Houses of the advantages and disadvantages of disunion as a defense against northern aggression. The Legislature, however, was in a conservative mood and after prolonged debate adopted a resolution declaring that North Carolina was "devotedly attached the Union" and desired her public servants to discountenance all suggestions of its dissolution.

This debate was intimately tied up with the election of a senator to succeed Badger. Badger was the Whig nominee, but his views on the slavery question had alienated certain state rights Whigs and had intensified Democratic opposition to him. There was no chance of defeating him, however, unless a compromise candidate could be found who could command the support of both the state rights Whigs and the Democrats. Such a candidate was at hand in the able and ambitious Clingman. Asked for his opinion on the question, Clingman replied declaring that the South would be justified in resisting the principle of the Wilmot proviso by any means in its power.[9] His answer satisfied the state rights men, many of whom threw their votes to him. This contest was the first step taken by Clingman toward his break with the Whig party. Party discipline held the Whigs in line and after a prolonged deadlock Badger was reelected. His election was a victory for the Union party, and he

[9] Hamilton, *Party Politics*, 127-128.

himself so interpreted it. Twice within the next two years in debate in the Senate he quoted the resolutions of 1848, referred to above, as representing his own views and the prevailing sentiment of North Carolina.[10]

After the adjournment of the Legislature of 1848 the issues raised by the Wilmot proviso were carried directly to the people in the congressional elections of 1849. It would be difficult to exaggerate the importance of this election. Events moved rapidly and politicians found it difficult to maintain a consistent position from day to day; the campaign accordingly was characterized by "shifting political opinion, angry discussion, and doubtful and uneasy watching."[11] The Wilmot proviso with all its ramifications and implications had become the chief political issue and to many thoughtful persons foreshadowed the dissolution of the Union. The congressional campaign at least served to clarify the views of the two parties. The Raleigh *Register* voiced what had now become the accepted position of the Whig party as the defender of the Union;[12] the *Standard* spoke for the Democracy in advocating disunion as a countermove to abolition. On this issue as presented in 1849, North Carolina gave a clear-cut decision, electing six Whig and three Democratic congressmen. "The victory was in marked contrast to the congressional elections in other southern states, where Whig leadership suffered severe reverses."[13]

The Compromise of 1850

From the hustings the contest was transferred to the halls of Congress where it raged throughout the winter and summer of 1850. Extremists on one side declared there should be no compromise with slavery, extremists on the other side declared that unless every right of the South was conceded they would dissolve the Union. Characteristically the North Carolina sen-

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[10] In his speeches on *The Slavery Question*, March 18-19, 1850, and on *The Territorial Question*, August 2, 1850.

[11] Hamilton, *op. cit.*, 136.

[12] Cole, *The Whig Party in the South*, ch. V.

[13] Boyd, *History*, 301.

ators and representatives as a rule sympathized with neither extreme. Even Mangum was now among the compromisers and served as one of the seven Whig senators on the Committee of Thirteen, which, with Clay's resolutions as a basis, worked out the Compromise of 1850. Both he and Badger supported all the compromise measures, except that which abolished the slave trade in the District of Columbia, and they were largely instrumental in inducing Webster to support them. The part they took in holding Webster in line is related by "a close observer of these events," who wrote in 1852: "Henry Clay had thrown himself into the breach but he was powerless without some efficient aid from the North. The leading Southern Whigs, such as Mangum, and Badger, and Dawson, rallied upon Mr. Webster, seized upon him, stuck to him, and finally brought him up to the mark. His speech on the seventh of March gave a new impulse to the compromise movements, and the whole country felt that the danger was substantially past. But it is notorious that, in the proceedings upon the report of the committee of thirteen, Mr. Webster wavered again, voting this way and that, and was only held to his place by the unceasing vigilance of Messrs. Mangum and Badger."[14]

In the House all of the North Carolina representatives except two—Clingman and Venable—favored some sort of compromise. They voted as a unit for the Fugitive Slave Law and against the abolition of the slave trade in the District of Columbia. On all the other compromise measures they divided. Clingman, the Whig, and Venable, the Democrat, voted against any sort of compromise, and both favored secession if the demands of the South were not granted.

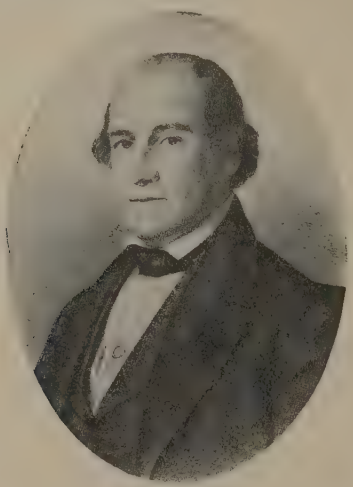
Badger and Clingman Expound the Constitution

Out of this contest Clingman emerged as the indisputable leader of the state rights Whigs of North Carolina, while Badger's course strengthened his position as the leader of the Union Whigs. It is well at this point, therefore, to examine the views

[14] *New York Herald*, April 13, 1852. Quoted by Cole, *op. cit.*, 135, note.

of these two men on the two great questions involved in the contest—the right of Congress to exclude slavery from the territories and the nature of the Federal Union—since they marked the line of cleavage in the Whig party.

In a series of speeches in the Senate, Badger expounded his views with great force and clarity. On the first issue, he held that the powers of Congress were clear, definite and complete; that Congress could provide "for the introduction or exclusion of slavery" as to the territories "entirely independent and irre-



GEORGE E. BADGER

spective of the wishes of the people of the territory, or anybody else."[15] These views he repeated and elaborated in his speeches on the compromise measures of 1850. As to the nature of the Union he was equally clear. He denied that the Constitution was a contract between sovereign states which could be abrogated at the will of the contracting parties; he repudiated the characterization of the United States as a mere confederacy from which any member could withdraw at will. The Consti-

[15] *Speech on the Clayton Compromise,* in U. S. Senate, July 26, 1848.

tution, he declared, formed a national government, to which all citizens owed "paramount allegiance"; "no State," he asserted, "has a *right* to secede from this Union" since "the Constitution, looking to perpetuity, makes no provision, directly or indirectly, for the separation of its parts."[16] Thus he expounded the views of the "old line Union Whigs," who accepted him as their leader. On the other hand he "incurred the disapprobation of extreme advocates of Southern interests. But his opinion on the question had been deliberately formed, and though he maintained that the exclusion of the Southern emigrant with his peculiar property from these Territories, would be an unjust exercise and abuse of power, he declined to make what he believed to be a false issue in pronouncing it unconstitutional. He dealt with the whole subject in the interest of peace, in subordination to the Constitution, in the hope of allaying excitement, and with an earnest desire for continued Union."[17]

Before 1850 Mangum was regarded as the leader of the state rights Whigs, but his three score years had tempered his spirits, and the influence of Clay had modified his views. In 1850, therefore, alarmed at the crisis created by the extremists on both sides, he manifested a willingness to compromise and urged moderation "upon those questions which touch the integrity of the Union, and the perpetuity of the government. . . ."[18] But the times were out of joint; moderation was no part of the scheme of the extremists; and the younger and more aggressive Clingman, sensing the drift of public sentiment in North Carolina, wrested the leadership of the state rights Whigs from the hands of the wavering senator.

Clingman's views on the slavery controversy had been profoundly affected by a visit to the North in 1849. He began his trip under the impression that a compromise could be found that would solve the problem; that if California and New Mexico were admitted as free states, the anti-slavery agitation "would

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[16] *Speech on the Territorial Question,* in U. S. Senate, August 2, 1850.

[17] Graham, W. A., "George E. Badger," in Peele's *Lives of Distinguished North Carolinians,* 196.

[18] Boyd, *History,* 304.

subside so as to produce no further action." His visit destroyed this delusion and convinced him "that the making of the Mexican territory all free, in any mode, would be regarded as an anti-slavery triumph, and would accelerate the general movement against us." He therefore returned to Washington determined to work against any compromise and to advocate secession as the best defence for the South.[19]

Secession he regarded as a constitutional right. To him the United States was merely "the trustee and agent" of the states; its primary function was to protect their rights and interests; if it failed to afford such protection, any state, denied its equal rights in the Union, might withdraw, and upon such dissolution of the Union, "each state would have the right to determine for itself to which section of the Confederacy it would belong." Clingman felt no love for the Union as such. He frankly declared that he felt nothing but disgust at the "senseless and insane cry of 'Union, union' " every time the North contemplated some aggression against southern rights; and that he felt "even less respect" for southern men "who, seeing the aggressive attitude of the North, and its numerical power, declare in advance that for their parts they intend to submit to whatever the majority may do." Such an attitude encouraged the "enemies of the South," and he felt called upon to assure the North that it was not the attitude of the South generally; he spoke, he said, "with no purpose to menace, but only to warn. . . . Gentlemen of the North, do us justice and we continue to stand with you; attempt to trample on us, and we separate."[20]

Union Sentiment in North Carolina

The discussion was continued throughout the summer of 1850, both within and without the halls of Congress. North Carolina Democrats, and the state rights Whigs who accepted Clingman's views, were bent on committing the state to the ex-

[19] Clingman, *Speeches and Writings*, 230.

[20] Speech on "Defense of the South." Delivered in the House of Representatives, January 22, 1850.—*Speeches and Writings*, 235-254.

treme southern demands, to acceptance of secession as a constitutional remedy, and to cooperation with the other southern states. Their newspapers, following the lead of the *Standard*, featured discussions favoring secession. Democrats and state rights Whigs endorsed the proposed Nashville Convention, demanded that Governor Manly convene the Legislature in special session to elect delegates to it, and attempted to force his hand by holding "southern rights" meetings in various parts of the state. Union Whigs on the contrary generally condemned the Nashville Convention as a disunion project, deprecated the discussion of secession, and commended Governor Manly's refusal to convene the Legislature.[21] When the Nashville Convention met on June 3, therefore, North Carolina was conspicuous for her absence.

The compromise measures pending before Congress were issues in the state campaign of 1850. Soon after their introduction, the two parties held their state conventions, the Whigs June 10, the Democrats June 13. The former, permeated by the spirit of compromise and dominated by the Union element, endorsed the proposed compromise and expressed determination "to uphold and defend the integrity of our National Union against all assaults by whomsoever made, and from whatsoever quarter they may come." Their rivals demanded the Missouri Compromise as the basis for the settlement "of all the distracting questions" arising out of the slavery controversy; but, recognizing the inconsistency of this proposition with the Democratic contention that Congress had no constitutional power to legislate relative to slavery in the territories, they declared that while they did not concede the power, they were willing to accept the Missouri Compromise line in order to manifest "their love of the Union." But this love of the Union had its limits, and although Democrats were not then urging secession they held it to be a constitutional remedy and were unwilling to close the door entirely against it as a means of escape; they declared, therefore, that although they loved the Union, yet "happen what may," they would "resist all palpable violations of the Constitution, and all attempts to wield this Government

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21 Hamilton, *Party Politics*, 137.

by a mere sectional majority, to the injury and degradation of the Southern people."

That the Democrats carried the state in 1850 was due to their stand on free suffrage, not to their views on slavery and its related issues; indeed, it may almost be said that they carried the state despite these views. On the questions of slavery and disunion in 1850 North Carolina was conservative and there is no doubt that Badger more accurately represented public sentiment than Clingman. Even the *Standard,* usually critical of Badger, approved his speech on "The Territorial Question," in March, 1850; and there were many conservative Democrats who hesitated to follow the extremists of their party. In 1850 the Legislature resolutely rejected all radical resolutions declaring the constitutional right of secession; among them was a series of resolves declaring that secession was "a right of self-defence and protection, which the people of North Carolina have never surrendered"; "that whenever a majority of the people of North Carolina shall solemnly resolve that they cannot safely remain in the Union, it is not only their right, but it is their duty to secede, and to punish such of her citizens as refuse to submit to her will as rebels and traitors."[22] In the House the opposition to this resolution was so strong that its supporters did not venture to press it to a vote; in the Senate it was defeated by a vote of 31 to 16; the majority was composed of 10 Democrats and 21 Whigs, the minority of 14 Democrats and two Whigs.

A clear expression of public opinion on the secession question was given in the congressional elections of 1851. In the first district Burgess S. Gaither, running as an independent Union Whig, opposed Clingman, who ran as a southern rights Whig; Gaither attacked Clingman's position on slavery and disunion, and made such headway that Clingman, although he had long had an unshakable grip on the district, was forced to modify his views and make "conciliatory explanations of his previous utterances" to save himself from defeat.[23] By no sort of fair interpretation of the result could his election be considered a

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[22] Hamilton, *op. cit.*, 144.

[23] Boyd, *op. cit.*, 307.

victory for the disunion party. In the third district, composed largely of counties along the South Carolina border, Green W. Caldwell, state rights Democrat, ran against Alfred Dockery, Union Whig. Dockery, "breathing fire and brimstone against South Carolina," proclaimed from the stump that if she should attempt to secede, he would vote men and money "to whip her back into the Union"—and, further, that he would do the same thing if North Carolina should attempt secession.[24] In a close district he was elected by a majority of more than a thousand. In the eighth district, Thomas Ruffin, Democrat, and Edward Stanly, Whig, were the candidates. Stanly had long been known for his strong Union sentiments; his views during the campaign were expressed by *The North State Whig*, generally regarded as his personal organ. On July 16th, that paper published an editorial in which it said: "The President of the United States and every executive officer under him, are *sworn* to execute the laws, and if they are resisted, it is his solemn duty to quell such resistance, and if necessary in order to do it, to use the army and navy and militia of the country. *War must follow. War as the result of secession is as fatal as any of the eternal purposes of God.*"[25] Stanly was elected. Moreover, the Whigs carried three other districts, thus capturing six of the nine seats in Congress, although in the state election the Democrats had swept the state the year before. In 1850-1851 North Carolina was not ripe for disunion.

North Carolina Goes Democratic

After the passage of the Compromise of 1850, both parties in North Carolina were willing to let the slavery issue rest. In 1852 the Whig state platform declared "in favor of maintaining the entire series of Compromise measures"; the Democrats, although disapproving of the principles on which Congress acted, nevertheless were "willing to adhere to the measures of adjustment known as the 'Compromise.'" The North Carolina Whigs were divided in their choice of a candidate for President. Man-

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[24] Hamilton, *op. cit.*, 147.

[25] Quoted by Cole, *The Whig Party in the South*, 198.

gum, Stanly, and some other leaders favored Scott, but Scott's support by Seward, and his silence on the Fugitive Slave Law hurt him in the state; many state rights Whigs even cooled in their support of Mangum because of his identification with the Scott movement. The majority of North Carolina Whigs preferred Fillmore whom they regarded as "sound" on the slavery question, and in April the state convention formally endorsed him. In the national convention the North Carolina delegation voted consistently for Fillmore, but the convention turned down their candidate in favor of Scott. Thereupon, in order to salve the sting of the leading Whig state of the South, the convention threw the nomination for Vice President to William A. Graham.

The North Carolina Democrats entered the Presidential campaign united on Buchanan. In the national convention, of which R. M. Saunders was temporary chairman, except for a few scattering votes for Douglas, the North Carolina delegates voted for Buchanan persistently for thirty-four ballots; from the thirty-fifth to the forty-eighth ballot they voted for William L. Marcy; when the state's vote was called on the forty-ninth ballot, Dobbin, chairman of the delegation, in a ringing plea for "harmony and conciliation," threw North Carolina's vote to Franklin Pierce.[26] Hitherto Pierce had scarcely been considered as a serious contender; his highest vote on any ballot had been thirty-nine; but Dobbin's announcement started a stampede for him which carried him to victory on the forty-ninth ballot. For Vice President the convention nominated William R. King, a native of North Carolina, who had moved to Alabama in 1818.

In North Carolina the election turned largely on Clingman's course. Clingman had about made up his mind to break with the Whig party. Since 1848 he had been drifting farther and farther away from his former colleagues. He was entirely out of line with his party on the slavery and secession issues, and he held unorthodox views on the bank and the tariff. In 1848, when asked by a committee of Democrats for an expression of

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[26] His speech is printed in full in Hamilton, *op. cit.*, 154.

his political views when a candidate for the Senate against Badger, he replied that he was opposed to the establishment of a national bank, opposed to the repeal of the Walker tariff, and opposed to the Wilmot proviso as not only wrong in principle but as unconstitutional. As we have seen he received strong Democratic support for the Senate because of these views. In 1852 he bolted a Whig caucus in Washington, over which Mangum presided, because under the influence of northern Whigs it refused to endorse the Fugitive Slave Law. He thereupon announced that he would support no man for President who was not "sound" on the slavery question, and determined that if the northern Whigs dictated the nomination for President he would endeavor "to break up the party as a national organization."[27] Accordingly, upon the nomination of Scott, whom southern state rights Whigs regarded as Seward's candidate, Clingman promptly cut his Whig bridges behind him and came out for Pierce. His defection decided the election in North Carolina; "five western counties which had hitherto been Whig, under Clingman's influence now gave Democratic majorities," enabling Pierce to carry the state by a majority of 686 votes.[28]

Dobbin in the Cabinet

Thus for the first time since 1836 North Carolina's electoral vote went to a Democrat. The state's reward was the appointment of Dobbin as secretary of the navy. Dobbin had a successful administration of the navy department. He took an especial interest in problems relating to an improved personnel, including both officers and men; he inaugurated the retired list for officers and a plan of honorable discharge for seamen past the age of service; he introduced the merit system for the promotion of officers and the apprentice system for the training of seamen; he procured increased pay for both, and put into operation a system of inspection of naval supplies, medicines, and living conditions aboard ship; and by his "earnest and un-

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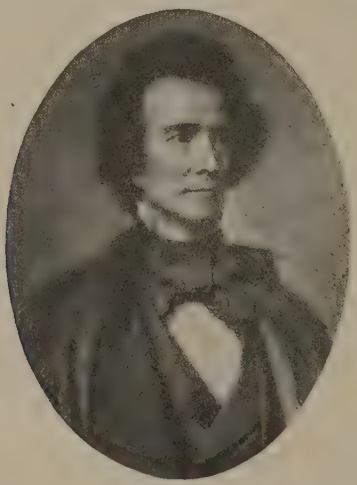
[27] Clingman, *Speeches and Writings*, 308.

[28] Wagstaff, *State Rights*, 89.

yielding hostility" to corporal punishment, he procured its abolition in the navy.[29]

Dobbin was a big-navy man; he believed that "the proud consciousness of national strength stimulates trade, emboldens enterprise, and nerves the arm of commerce"; and he desired that every American citizen, at home and abroad, "should gather confidence and courage and energy from the reflection that he



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belongs to a government recognized by all as able to avenge his wrongs and vindicate his rights." He accordingly procured from Congress an appropriation of $3,000,000 for the construction of six first-class steam frigates, the first in the American navy, and to the building of these ships he gave "the most careful personal attention."[30] His last report contained a recommendation for the construction of five steam sloops, "upon the model of the six steam frigates" already built, and this recommendation, too, Congress adopted.

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[29] New York *Times* quoted in *Standard*, August 12, 1857.
[30] *Ibid.*

The Kansas-Nebraska Act

After 1851 interest in the slavery question waned, and North Carolina, in common with the other southern states, settled down to "a pleasant enjoyment of the thought that the whole country had now returned to a sense of justice on the slavery question."[31] But a rude awakening was at hand. On January 4, 1854, Stephen A. Douglas introduced in the Senate his Kansas-Nebraska Bill and over night plunged the country into another and far more bitter slavery controversy. North Carolina Democrats were enthusiastic for the measure; their state convention in April expressed "hearty approval" of it and extended "to Senator Douglas and other members of Congress from non-slaveholding States, our [their] thanks for their manly, patriotic and national course on this question." The Whigs were more reserved; they were suspicious of the motives behind the bill; and they feared its effects in the North. The Fayetteville *Observer* reminded the South of the story of the Trojan horse; and the Raleigh *Register,* though leaving the editorial door open for a possible retreat, expressed fear that the repeal of the Missouri Compromise might justify the North in charging that "the South has violated a solemn compact," and declared that the South would find it "difficult to refute the charge"; it also warned the South that the bill would certainly become "the rallying cry for another anti-slavery agitation which will far exceed any which we have yet had."[32]

Sentiment in North Carolina, however, was strongly for the measure, and the Whigs bent before its force. Even Badger yielded and supported it in a powerful speech that won the approval of the Democrats. Later, however, he came to regard his support of the bill "as the most serious error of his public life. He lived to see consequences flow from it which he had not contemplated, and publicly expressed his regret that he had given it his support."[33] In Congress only two North Carolina repre-

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[31] Wagstaff, *op. cit.,* 89-91.

[32] *Ibid, loc. cit.*

[33] Graham, "George E. Badger," in Peele's *Lives of Distinguished North*

sentatives—Sion H. Rogers and Richard C. Puryear—had the courage to oppose it. The Whig state convention, in February, endorsed it, and by the time the bill became law the Whigs were vying with the Democrats in its praise. The Raleigh *Register* in 1854 suggested that the two parties unite in the coming Legislature to reelect Badger to the Senate as a step toward severing all connection with the northern Whigs whose opposition to the Kansas-Nebraska Bill southern Whigs bitterly resented.

The contests over the Wilmot proviso and the Compromise of 1850 had been followed in North Carolina with an intelligent interest, but they had not aroused any great popular excitement. It is true that politicians and newspapers had discussed them in violent language, but this signified little to a generation that was accustomed to hearing all political questions—the tariff, the bank, distribution, and constitutional reform, as well as slavery extension—so discussed, and most men had come to interpret such language in a Pickwickian sense. The people of North Carolina were too much absorbed in their own state problems—free suffrage, the founding of schools and asylums, the building of railroads, the introduction of improved methods of agriculture, the establishment of manufactures—to become greatly exercised over the abstract right of slaveowners to carry their slaves into New Mexico, where none of them really wanted to go; in 1860 the census taker could find but 22 North Carolinians living in all that territory! The introduction of the Kansas-Nebraska Bill, however, and subsequent events, changed the character of the contest and aroused intense popular excitement. The discussions were now pitched on a new key, in a tone of bitterness and finality that was absent from previous debates. Moreover, the stump and the press no longer monopolized the debate; in the pulpit, at the crossroad, by the hearthstone—wherever two or three gathered together—the great issue became the subject of wild, excited declamation, and aroused a pro-slavery sentiment that brooked no opposition.

North Carolina newspapers teemed with lurid stories of abolition outrages in Kansas; editors carried to a new high

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Carolinians, 196. See also Badger's own statement at the Salisbury Union Meeting of October 12, 1860, in Raleigh *Register*, October 17, 1860.

level their skill in eulogy and vituperation; and they depicted as chivalrous crusaders fighting to free "bleeding Kansas" from "armed bands of abolitionists" those whom the North abhorred as "border ruffians." No words of eulogy were too strong for those who fought to make Kansas a slave state, no words of denunciation too violent for those who fought to make it a free state. The author of the Kansas-Nebraska Bill, hailed in 1854 as the vindicator of southern rights and the logical candidate for the Presidency, was denounced by the *Standard* as a traitor "who had placed himself beyond the pale," because he had repudiated the Lecompton Constitution.[34]

The depth to which public feelings were stirred and the extent to which moral standards were subverted by the slavery controversy were revealed by the public attitude toward Preston S. Brooks after his cowardly assault on Sumner. In the Democratic press Sumner, the victim, became the "scoundrel Sumner," Brooks, the assailant, "the honorable and chivalric" Brooks. A public gathering in Johnston County proclaimed its desire that "the fragments" of Brooks' cane be preserved in the patent office at Washington "as a memento of Southern chivalry"; and when Brooks passed through Raleigh he was greeted by "a spontaneous outpouring" of the people who thronged the street in front of his hotel "to manifest their approval" of his attack on the Yankee senator and to hail him as "a noble specimen of the true Southern gentleman."[35]

Downfall of the Whig Party

The Kansas-Nebraska Act destroyed the national Whig party. On its ruins in the North rose the Republican party which, in 1856, nominated Fremont for President on a platform which declared against the further extension of slavery into the territories and which "in spirit was inimical to slavery even where already existing."[36] Northern Whigs who could not find con-

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[34] Norton, *History of the Democratic Party in North Carolina*, 255. (Unpublished.)

[35] See accounts in *Standard*, June 4, June 7, and August 30, 1856.

[36] Wagstaff, *op. cit.*, 93.

genial berths in the Republican party and southern Whigs who hesitated to seek refuge in the folds of the Democracy reappeared as Americans and in a national convention nominated Fillmore for President. But the Know Nothing movement had played out and everybody realized that the coming campaign would be fought between the Republicans and the Democrats. The North Carolina Democrats in convention at Raleigh, April 16-17, forecasting the situation, called upon "all Southern men to unite with that party which gives the strongest assurance . . . that it will triumph over the enemies of our constitutional rights, by whatsoever name called." They approved the Kansas-Nebraska Act as founded on "the true doctrine," and endorsed Pierce and Dobbin as candidates for President and Vice President. Buchanan, however, had long been a favorite with North Carolina Democrats and when the Cincinnati convention nominated him they rallied to him with sincere enthusiasm.

In both sections the campaign raged with great fury and bitterness, which gave a decided impetus to secession sentiment in the South. It is impossible to say which section sank to the lowest depths of abuse, violence, and intolerance, but this much at least cannot be denied—of the two the South had the greater provocation because it had more at stake. When one considers the situation at the North, in 1856, it is impossible to escape the conviction that the South was justified in believing that a Republican victory would be disastrous to its interests. Secession, therefore, which heretofore had been largely an academic question, now appeared as a practical measure of defense.

In North Carolina Holden filled his columns with secession arguments and other Democratic editors followed his lead. "The election of Fremont," he wrote, "would inevitably lead to a separation of the States. Even if no overt or direct act of dissolution should take place, he could not carry on the government in the South. No true or decent Southern man would accept office under him; and our people would never submit to have their postoffices, customhouses and the like, filled with Fremont's Yankee abolitionists. We would not expect nor ask the Northern people to submit in a similar case—and we will not submit. . . . The Union can neither be administered

nor can it exist on sectional grounds."[37] Reid, Ellis, Biggs, and other Democratic leaders endorsed these views; but none of them was so aggressive as Clingman, who was rapidly forging to the front as the leader of the secession party. In March, 1855, he issued an address to the Whig voters of his district in which he took the position that the election of Fremont would justify the South in dissolving the Union; and in October, when Fremont's election seemed not unlikely, in an address to the people of the state he outlined a plan for disunion if that event should occur.[38]

The Governors' Meeting at Raleigh

Just before the election an effort was made to tie up North Carolina with other southern states in a disunion program. Governor Wise, of Virginia, alarmed at the progress of Fremont's campaign, addressed a letter, September 15, to the other Democratic governors of southern states proposing a meeting in Raleigh in October "for the purpose generally of consultation upon the state of the country, upon the best means of preserving its peace, and especially protecting the honor and interest of the slaveholding States." No invitations were sent to the Whig governors of Kentucky and Missouri. Most of the governors invited approved of the plan, but a few thought the two Whig governors ought to be included in order to forestall the charge that the meeting was "a mere Democratic movement."[39]

At the appointed time, October 13, only three governors appeared—Bragg, of North Carolina, the host, Wise, of Virginia, the author of the plan, and Adams, of South Carolina, then in the limelight because in his recent message to the South Carolina Legislature he had advocated the reopening of the slave trade. To the public it was given out that the "visiting statesmen" had come to Raleigh to attend the State Fair, and simple-minded persons who believed this fairy tale wondered why they departed two days before the Fair opened. The three governors met at the Executive Mansion, with several prominent North

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[37] *Standard*, September 17, 1856.

[38] Wagstaff, *op. cit.*, 93.

[39] Wise, B. H., *Life of Henry A. Wise of Virginia*, 209-210.

Carolina Democrats, including Holden, present. One of those in attendance said of the meeting: "Governor Wise was warm and determined in his views, and favored immediate resistance, by fighting in the Union, in the event of Fremont's election, and that his election should be accepted as the overt act. Governor Bragg's position was quite conservative, his views being calmly stated. His sound reason, prudence, and wise counsel produced a decided impression. . . . Owing to the small number of governors present, nothing definite was outlined."[40]

The meeting aroused widespread comment, some favorable, much of it unfavorable. The Whig state press, especially the Raleigh *Register,* condemned it as "an official attempt to hitch North Carolina to 'the car of disunion,' "[41] and the northern press echoed the charge. John K. Ruffin, then studying medicine in Philadelphia, in a letter to his father, referred to the charge of a Philadelphia paper that the governors met to "concoct some plan of disunion," and declared that he hoped "it were so, for I am tired living in political fellowship with a people who feel toward us more as enemies and rivals than as brothers. I believe disunion is soon inevitable, and the sooner it comes the better chance the South will have to weather the storm. Acting on this conviction, if I thought my vote would elect Fremont, he should have it most cheerfully."[42] Governor Wise, however, always insisted that his real object in calling the meeting was to save, not to destroy the Union. "I shall die in the conviction," he wrote in 1873, "that if a convention of all the States could have been held, war would have been averted."[43] He may have been right, for his Raleigh meeting at least so alarmed conservative northern men that thousands of them refused to vote for Fremont.

Of course there was no Fremont ticket in North Carolina, nor any chance of Fillmore's carrying the state. Buchanan's

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[40] Cowper, Pulaski, "Thomas Bragg," in Peele's *Lives of Distinguished North Carolinians,* 313-314. Cowper was Governor Bragg's private secretary.

[41] Wagstaff, *op. cit.,* 94.

[42] *Ruffin Papers,* II, 529.

[43] Wise, *op. cit.,* 210.

popular majority was 12,914. Despite the furore raised over the menace of "Black Republicanism," the people seemed not to have been alarmed at the prospects; there was a falling off in the vote in November as compared with the vote in August of 30,508. Both parties suffered equally, the Democrats losing 15,111, the Americans 15,397. Many Democrats doubtless stayed at home because they considered Democratic success a certainty; and many Americans refrained from voting because they were more in sympathy with the national Democracy than with their own party but could not yet bring themselves to vote the Democratic ticket. Even so, there can be no doubt that thousands of voters were indifferent to the result; their political shepherds had so often cried, "Wolf! Wolf!" that the cry no longer alarmed them.

Part III

OVERTHROW

1860-1876

CHAPTER XXXI

THE GREAT SCHISM

The events of 1856, and of the years immediately following, profoundly affected the thinking of North Carolina on the slavery question and on the nature of the Federal Union.[1] Significant was the change that took place in public sentiment relative to the institution of slavery. Views hostile to slavery which were proclaimed with perfect freedom before 1830 were not tolerated after 1850; between 1850 and 1860, the press, the bench, the church, the school, all surrendered to the demands of the slave power.

Before 1830 the Greensboro *Patriot*, with its columns full of anti-slavery literature, circulated in the state without let or hindrance; in 1860 the Raleigh *Standard* voiced the sentiments of the North Carolina press when it demanded that all anti-slavery literature, including speeches of United States senators and congressmen, that came to North Carolina postoffices "be committed to the flames."[2] A justice of the Supreme Court, in 1835, declared that slaves were entitled to the enjoyment of the benign principles of the Christian religion; a judge of the Superior Court, in 1860, held that if "an article in the religious creed of a Society declaring Slavery inconsistent with the Christian religion" were printed and circulated, though only among its own members, it would constitute an indictable offense.[3] Be-

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[1] For the accounts of this period of North Carolina history see: Ashe, *History of North Carolina*, II, chs. XXII-XXXIX; Boyd, *History of North Carolina*, ch. XVI; Hamilton, *Party Politics in North Carolina*, chs. XV-XVII, and *Reconstruction in North Carolina*, ch. I; Moore, *History of North Carolina*, II, chs. IV-V; Wagstaff, *State Rights and Political Parties in North Carolina*, chs. IV-V. An excellent summary of the secession movement by J. G. de Roulhac Hamilton may be found in Hill, D. H., *North Carolina in the War Between the States*, ch. I.

[2] Issue of June 4, 1860.

[3] *Ruffin Papers*, III, 74.

fore 1830, Rev. Eli Caruthers, an eminent Presbyterian minister, known to hold that slavery was an unchristian institution, served acceptably many Presbyterian congregations around Greensboro;[4] in 1858, Rev. George McNeill, Jr., editor of the *North Carolina Presbyterian,* demanded that an agent of the American Missionary Society, charged with preaching to negroes, be driven out of the state.[5] When Gaston, in 1832, used the University platform as a sounding-board for his condemnation of slavery as "the worst evil that afflicts the southern part of our confederacy,"[6] he was loudly applauded and his address was requested for publication; when Benjamin S. Hedrick, in 1856, under strong provocation and in self-defence published a mild statement of his anti-slavery views, he was peremptorily dismissed from his professorship in that same University. In 1830, the North Carolina Manumission Society published and freely circulated throughout the state an "Address to the People of North Carolina on the Evils of Slavery"; in 1856 Daniel Worth was arrested, indicted, convicted and sentenced to imprisonment and a public whipping for circulating Helper's *Impending Crisis.*

The Hedrick Case

The Hedrick and Worth cases attracted nation-wide attention and deserve more than passing mention as reflections of public sentiment. Benjamin S. Hedrick was a native of Rowan County and a first honor graduate of the University of North Carolina.[7] After a year's study at Harvard he was elected professor of agricultural chemistry in his *alma mater.* He had been raised under anti-slavery influences and his year in the North had confirmed him in his hostility to the institution; but he was a quiet man, of scholarly tastes, entirely satisfactory in his work, and had made no parade of his anti-slavery opinions.

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[4] Bassett, *Anti-Slavery Leaders of North Carolina,* 56-60.

[5] Issue of June 15, 1858.

[6] *University Address,* in Peele, *Lives of Distinguished North Carolinians,* 176-177.

[7] Unless otherwise noted all documents referred to in this account of the Hedrick case may be found in Hamilton, (ed.) "Benjamin Sherwood Hedrick," in *James Sprunt Historical Publications,* X, 1.

During the campaign of 1856, in reply to a direct question, he stated that if there were a Fremont ticket put out in North Carolina he would vote it. A rumor of this statement reached Holden. In an editorial which did not mention Hedrick's name but pointed clearly to him, he declared that no Fremont ticket would be tolerated in North Carolina. "If there be Fremont men among us, let them be silenced or leave. The expression of black republican opinions in our midst, is incompatible with our honor and safety as a people. . . . Let our schools and seminaries of learning be scrutinized; and if black republicans be found in them, let them be driven out. That man is neither a fit nor safe instructor of our young men, who even inclines to Fremont and black republicanism."

Holden's editorial inspired a student at the University to publish a letter signed "An Alumnus," formally charging that there was a "Black Republican" professor at the University and demanding his dismissal. To this letter, against the advice of friends, Hedrick replied. He frankly avowed his anti-slavery views and his opposition to the further extension of the institution, and gave the reasons for the faith that was in him. It would be difficult to find a calmer, or better reasoned statement than this one, yet it brought down upon the author's head a storm of condemnation from one end of the state to the other. The students at the University, without the disapproval of the authorities, hung the offending professor in effigy. The faculty hastened to clear their skirts of any suspicion of sympathy with Hedrick's "indiscretion."[8] The president requested an immediate meeting of the executive committee of the trustees to deal with the offender, and Holden sought to calm the fears of the people with the assurance, carefully printed in italics, that the committeemen would *"perform their whole duty."*

The committee doubted its legal authority to dismiss a professor, but yielded to "outside pressure." Horrified parents were threatening to withdraw their sons from a place where they came in "contact with the foul polution" of anti-slavery sentiment.

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[8] For the vote of the faculty see Battle, *History of the University of North Carolina*, I, 655.

Alumni were demanding that "the Trustees forthwith expel that traitor to all Southern interests from the seat he now so unworthily fills." The press of the state, and indeed, of all the South, was thundering for his "instant removal." Mass meetings were holding him up "to the scorn and indignation" of the public. Perhaps the committeemen might have mustered up enough courage to resist all this pressure, had they not heard that "a college riot was imminent" unless they "performed their whole duty." Accordingly they met and solemnly declared Hedrick's usefulness at an end, and when the professor refused to take the hint, met again and "dismissed" him from his professorship. "As to Hedrick," reported the secretary to President Swain, with Caesarian laconism, "he is beheaded!"

Public sentiment sustained their action. A few days after his dismissal, Hedrick attended a convention of the State Educational Association at Salisbury, in his native county.[9] Rumor of his presence brought to the door of the Presbyterian church, where the convention was in session, a mob variously estimated at from 200 to 300, which manifested its sentiments in true moblike manner. At every mention of Hedrick's name, it hissed, it shouted, it groaned; it hung him in effigy before the church door; it followed him to his lodging house, and it notified him that he must "leave without delay, or be subjected to an application of the 'juice of the pine and the hair of the goose.'" Hedrick saved himself by promising to depart "before sunrise," and early the next morning, "hunted from the scenes of his childhood like a criminal," he slipped out of Salisbury and a few days later left the state.

No Salisbury paper could quite bring itself to approve the affair, yet none condemned it, and all told the story in a vein of sympathy with the mob. A characteristic comment was that of the Salisbury *Banner*: "We regret this unfortunate occurrence as well as any lover of quiet, yet it was a certain demonstration that black republicans and their infamous principles cannot and will not be tolerated in this goodly land of ours. We admire

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[9] For an account of Hedrick's experiences at Salisbury see Bassett's *Anti-Slavery Leaders*, 42-45.

the spirit, but regret the necessity of the manner in which the condemnation was made."[10]

President Buchanan Visits the State

A lull in the slavery controversy followed the election of Buchanan. Two days after his inauguration the Supreme Court of the United States handed down its decision in the Dred Scott case, which was hailed in North Carolina as a final solution of the slavery question. "This decision," declared the *Standard*, "concedes to the southern people all they have ever asked—the Constitution. If they are true to themselves, they will never take anything less."[11] Feeling that the question had been finally settled, the people of North Carolina turned their attention to state problems, which in 1857 and 1858 completely absorbed their political interest.

In June, 1859, all parties united in a welcome to President Buchanan, who came to attend the University Commencement.[12] So great was the popular interest in his visit that reporters accompanying his party were held up between Raleigh and Chapel Hill by "the crowded state of the road" so long that they did not reach Chapel Hill in time to witness the welcome of the President. North Carolina's intelligentia and fashion turned out to greet him; and the brilliance of the occasion wrung expressions of surprised approval even from cynical metropolitan journalists. The reporter of the New York *Herald* declared that at the graduating exercises "the ladies were dressed in a style of gorgeous splendor, surpassing anything that I have seen outside of the fashionable City of New York"; and confessed that the "costly array of dress and glittering trinkets," exhibited at the commencement ball, "vastly surpassed any idea which I had hitherto conceived of the taste of the people of North Carolina."

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[10] Quoted by Bassett, *op. cit.*, 44.

[11] Quoted by Wagstaff in *State Rights*, 96.

[12] For an account of Buchanan's visit see Battle, *History of the University*, I, 698-700.

Of course the President's visit was not devoid of political significance. It was made the occasion for an ineffectual attempt to close the breach in the Democratic ranks begun by the Ellis-Holden contest of 1858.[13] Moreover, the President used his opportunity to address some words of wisdom to the South. Speaking on "The Constitutional Union," he assured his audience that North Carolinians "have always stood by the Constitution and the Laws, and are destined in the history of this country to do much to preserve our glorious Union." Upon the young men of the state, he declared, rested "a vast responsibility, . . . the preservation of the principles of the Constitution, for without these blessings our liberties are gone. Let the Constitution be torn into atoms; let the members of this Union separate; let thirty Republics rise up against each other, and it would be the most fatal day for the liberties of the human race that ever dawned upon any land."[14]

The John Brown Raid

The President's plea was applauded, and soon forgotten. Scarcely had he returned to Washington when John Brown made his raid on Harper's Ferry. The story of the reaction of the North and the South toward Brown's raid and his subsequent execution is too familiar to need repetition. The raid itself frightened the South, since no man could tell how far Brown's conspiracy extended; but the South had no doubt of its ability to handle that phase of the problem. What most alarmed and horrified southern people was the expression of northern sentiment toward the criminal; the extent to which anti-slavery fanaticism might go was borne in upon southerners by Emerson's exclamation that Brown "had made the gallows as glorious as the cross."[15]

North Carolina, of course, fully shared in the sentiments of her sister southern states. There was a general demand for

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[13] Wagstaff, *op. cit.*, 103.

[14] *Standard*, June 15, 1859.

[15] For an account of the effects of Brown's execution on northern sentiment see Rhodes, *History of the United States*, II, 409-416.

military preparations; new military companies were organized; and Governor Ellis requested the War Department to send an additional supply of arms to the Federal arsenal at Fayetteville. The political effects were equally as great. The affair gave state rights men grounds for renewing threats of secession, and knocked the props from under Union men. The *Standard* declared that unless the South could be assured of protection in the Union it would have to "sunder the bonds,"[16] and the *Register* echoed the sentiment. In December the Council of State resolved that, "If we cannot hold our slave property and at the same time enjoy repose and tranquility in the Union, we will be constrained, in justice to ourselves and our posterity, to establish new forms . . ."[17]

Helper's "Impending Crisis"

The use of Helper's *Impending Crisis* by the Republican party for political purposes added fuel to the flames. Hinton Rowan Helper was a native of Rowan County, who by study, travel and observation in slave states and free states alike had come to the conclusion that slavery was the one great obstacle to the development of the South. In 1857 he published his views in a book entitled *The Impending Crisis of the South: How to Meet It.* It was a comparison, based largely upon census reports, of the slave states and the free states, which showed the superiority of the latter. Helper held no brief for the negro, as such; indeed, he wrote entirely in behalf of the non-slaveholding whites whose welfare he contended was being sacrificed to the interests of the slaveocracy. His facts were generally correct, his arguments unanswerable, his style "clear and cutting"; but his violent and extravagant abuse of the "lords of the lash" obscured both facts and arguments, and gave his enemies a basis for classing his book as incendiary literature.[18]

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[16] Ashe, *History*, II, 527.

[17] *Ibid, loc. cit.*

[18] See Bassett, *Anti-Slavery Leaders*, 14; and Rhodes, *op cit.*, II, 419-420.

At its first publication, the book attracted but little attention either North or South. In the South its circulation was limited, and such copies as found their way to southern readers were usually gifts from over-zealous anti-slavery friends. Helper, himself, gave a copy to Governor Ellis, and Hedrick sent one to Judge Ruffin with the comment that the book contained nothing "that one free-man may not properly address to another."[19] After the book had gained general notoriety, politicians considered it a great point to fasten the ownership of a copy upon their opponents. The Democrats, in 1859, charged John A. Gilmer, Whig candidate for Congress in the fifth district, with having a copy, and the Whigs retorted that Governor Ellis had set the example. The charge was considered so serious that the *Standard* felt it necessary to explain that while two copies had been sent to the governor, he had thrown one, received in New York, out of his hotel window and had used the other, received in Raleigh through the mail, for lighting his pipe. In 1859 the book became a real political issue when a group of "Black Republicans" announced their intention of printing 100,000 copies of a compendium to be circulated as a campaign document in 1860. Their circular soliciting funds for the purpose declared that no other book before the public would help so much "to restrain the shameless advances and hurtful influences of that pernicious institution [slavery]."[20] This scheme was endorsed by many leading Republican congressmen and abolitionists. To southerners, who construed it as "a deliberate purpose of the Republicans to arouse the entire North against the South,"[21] it was like a red flag to an infuriated bull. Scarcely was the success of the scheme assured when the John Brown raid occurred and confirmed the South in its judgment that the *Impending Crisis* was an incendiary, and therefore an illegal publication.

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[19] *Ruffin Papers*, III, 64.
[20] Bassett, *op. cit.*, 16.
[21] *Ibid*, 17.

The Worth Case

In North Carolina the strong arm of the law now reached out to suppress the book and to punish those guilty of circulating it. Six men were arrested and imprisoned in Guilford, several in Randolph, and at least one in Mecklenburg, and some of them were tried and convicted. The most famous of these cases was that against Rev. Daniel Worth, a Wesleyan Methodist preacher of Guilford County, who was arrested in December, 1859, on the charge of circulating Helper's book and of preaching in a way "to make slaves and free negroes dissatisfied with their condition."[22] It is not without interest to note that the ecclesiastical power came to the aid of the civil power in the case against Worth; the editor of the *Presbyterian* boasted that "the *North Carolina Presbyterian* was the first paper in the country that called attention to Worth's movements in North Carolina, and followed it [*sic*] up until he was arrested."[23] The excitement caused by his arrest was so great "that the officers of the law experienced difficulty in protecting Worth from the indignation of the people."[24] The prisoner was required to give two bonds of $5,000 each—one for his appearance at the spring term of the Guilford Superior Court, the other to keep the peace. The first he gave, but the second he was unable to raise, and accordingly spent the winter in the Guilford County jail. At the spring term of the Superior Court he was tried and convicted. The penalty prescribed by the statute was one year's imprisonment and a public whipping; but, in view of Worth's advanced age and his calling, and through the influence of kinsmen, the whipping was remitted by the court. Worth appealed to the Supreme Court and pending the appeal was released under a $3,000 bond. He lost his case on appeal, but before the decision was handed down, he fled from the state, forfeiting his bond.[25]

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[22] Bassett, *op. cit.*, 25.

[23] Rev. George McNeill, Jr., to Thomas Ruffin, "Presbyterian Office" [Fayetteville], March 12, 1860.—*Ruffin Papers*, III, 73.

[24] *Standard*, December 28, 1859.

[25] *Ruffin Papers*, III, 75; *Correspondence of Jonathan Worth*, I, 110-115.

The Irrepressible Conflict Brought Home

The feeling aroused by the events which have been described was greatly intensified by the injection of the *ad valorem* issue into the state campaign of 1860. Slaveowners felt that a campaign waged in a southern state on such an issue could not fail to play into the hands of the abolitionists. For this reason the Raleigh *Register* opposed its endorsement by the Whigs; D. M. Barringer thought it exceedingly unwise to raise such a question "in the midst of the disturbing agitation which is gradually separating the great sections of our country in sentiment and in fact,"[26] and Kenneth Rayner, as we have seen, characterized it as Seward's " 'irrepressible conflict' brought home to us." And this was not the view of its opponents only. Jonathan Worth, who favored the measure for reasons of "policy even more than justice," declared that the opposition of slaveowners to the reform would "array against them a feeling among ourselves, more to be dreaded than Northern Abolitionism."[27] Thus in North Carolina, as the campaign of 1860 approached, the interests of the South's "peculiar institution" loomed large as a discordant factor in both state and national politics.

After the collapse of the American party in 1858, national American and Whig leaders launched a movement to unite all the elements of the "Opposition" to the Democracy, except the radical Republicans, into a new national party. Their plan called for a coalition of old line Whigs, Americans, dissatisfied Democrats, and conservative Republicans for "co-operation in the presidential campaign [of 1860] and in national politics without attempting to set up any platforms or tests of orthodoxy."[28] The cardinal principle of the new party was to be the preservation of the Union; it called itself, therefore, the Constitutional Union party.

The response of the "Opposition" in North Carolina was enthusiastic. Graham and Gilmer, representing respectively

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[26] *Ruffin Papers*, III, 80-81.
[27] *Worth Correspondence*, I, 105-106.
[28] Cole, *Whig Party in the South*, 331.

the old line Whigs and the Americans, were prominent in the movement. The rank and file of the old Whig voters responded encouragingly since they recognized in the movement merely a revival of the Whig party. The new party made its first venture in North Carolina politics in the congressional elections of 1859 in which it elected four out of the nine congressmen. Encouraged by this result, as we have seen, it held a state convention, February 22, 1860, and nominated John Pool for governor on the *ad valorem* issue. Turning to the national campaign the convention declared the new party the special guardian of the Union and endorsed William A. Graham for the Presidency.

The Democrats met March 6, 1860, and renominated Ellis for governor. On national issues they took the extreme state rights position, endorsing the Dred Scott decision, declaring the constitutional right of southerners to take their slaves at will into the national territories, and threatening the dissolution of the Union if further encroachments were made upon their rights. The keynote of the convention was struck by Governor Ellis in an address in which, in prophetic vein, he declared that the Republican party aimed not merely to keep slavery out of the territories but also to destroy it in the states. "The abolition of slavery here at home," he declared, "is the design of our opponents. This is the band that cements all the anti-slavery elements in one solid column against us."[29] As delegates to the national Democratic convention at Charleston the state convention elected W. W. Avery, W. S. Ashe, W. W. Holden, and Bedford Brown.

The Campaign of 1860

The scene shifts to Charleston where the Democratic national convention met April 23rd. Its great problem was to harmonize the demands of the northern and the southern wings of the party. One favored Douglas for President; the other "thought Douglas as bad as Seward"; one demanded a platform endorsing the principle of popular sovereignty; the other thought "popular sovereignty as hateful as Sewardism" and demanded "a plat-

[29] Quoted by Wagstaff, *State Rights*, 113-114.

form on which Douglas could not possibly stand."[30] The first fight came in the platform committee of which Avery was chairman. The result was a majority and a minority report. The majority report, expressing the extreme southern position, declared that a territorial legislature could neither prohibit the introduction of slavery into the territory, nor abolish it therein, and that it was the duty of the Federal government to protect property in slaves in the territories. The minority report simply reaffirmed the Cincinnati platform of 1856 and added an endorsement of the Dred Scott decision. In the debate on these reports feeling between the two factions mounted to fever heat, and the cotton states delegates declared their determination to withdraw if their demands were not fully conceded; the northern delegates declared with equal determination that they would make no further concessions.

North Carolina occupied a middle ground. Her delegates voted for the majority report but refused to join in the movement to break up the convention, and their stand was an important factor in holding the delegates of Virginia and other border states to their posts. At the crisis of the struggle, and while state after state was withdrawing, a member of the North Carolina delegation, coming immediately from a consultation with the Virginians, urged Holden to "make a speech and hold our delegation against going out," adding "from what I have heard, if our delegates go out, Virginia will go out also, and the Convention will be broken up." Holden complied in a ten-minute speech in which he declared that North Carolina had sent her delegates to the convention "to maintain and preserve and not destroy, the bonds of the Union"; that "by an immense majority" the people of North Carolina "would frown indignantly on the first dawning of every attempt to alienate any portion of our Country from the rest, or to enfeeble the sacred ties which link together the various parts."[31] His influence held the North Carolina delegation in line and "thereby restrained the Virginia delegation."[32] In the balloting for a Presidential candidate the

[30] Rhodes, *History of the United States*, II, 443.
[31] Holden's *Memoirs*, 13-14.
[32] Boyd, *History*, 327.

North Carolina delegation, seeking a candidate on whom both factions could unite, voted as a unit thirteen times for R. M. T. Hunter of Virginia, twelve times for Joseph Lane of Oregon, and six times for D. S. Dickinson of New York. Thereafter, R. P. Dick switched to Douglas, while his colleagues steadfastly supported Lane until the convention adjourned without making a nomination.

The North Carolina delegates attended the adjourned meeting in Baltimore, June 18. The steam-roller methods of the Douglas delegates, who controlled the convention, so offended the southern delegations that they all withdrew, including the North Carolina delegates except Holden, Dick, and J. W. B. Watson. These three remained in the convention but Dick alone took any part in its work. He voted for the nomination of Douglas. The bolters of the Baltimore convention joined the bolters of the Charleston convention in adopting the southern platform and in nominating Breckinridge and Lane. Thus the "irrepressible conflict had invaded the Democratic party" and left it "a house divided against itself."[33]

North Carolina Democrats were overwhelmingly for Breckinridge, but Douglas had a sufficient following in the state to put out an electoral ticket. Even Holden at first was in doubt which of the two to support, and finally decided for Breckinridge upon condition that the electors chosen should vote for either Breckinridge or Douglas as one or the other had the best chance of defeating Lincoln. But Douglas developed no strength in North Carolina, and there was of course no Lincoln ticket in the state; therefore, the campaign soon settled down to a contest between the Breckinridge Democrats and their old Whig opponents masquerading under their new name.

The split in the Democracy seemed to favor the chances of the newly organized Constitutional Union party, especially in the old Whig states. The party held a national convention at Baltimore in May and nominated John Bell of Tennessee for President and Edward Everett of Massachusetts for Vice President on a platform which merely declared for the "Constitution

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[33] Rhodes, *op. cit.*, II, 445.

of the Country, the Union of the States, and the enforcement of the laws." The greatness of the issues involved, and the chances of a return to power, appealed to the Whig leaders in North Carolina, and Badger, Morehead, Graham, Rayner, Dockery, Gilmer, Smith, Vance, all threw themselves into the campaign with their old-time vigor and enthusiasm.

The keynote of their campaign was "The Constitution and the Union"; and in October, as a reply to Democratic threats of secession if Lincoln were elected, they staged a great Union rally at Salisbury.[34] The throngs that poured into that town from all parts of the state made up what the *Register* described as "the largest meeting that has been held in North Carolina since the days of 1840." All the great Whig leaders were present and made earnest pleas for the Union. Notable was Badger's confession that John Bell "with a statesmanlike sagacity and foresight which I did not possess voted against the Kansas-Nebraska Bill. I voted for it. John Bell did right, and I gave the worst vote I ever gave in my life." Although the orators included Badger, Graham, Morehead, and Dockery, the honors of the occasion were carried off by "that 'rare Mountain' boy," Zebulon B. Vance. Put up to make the opening speech, for two hours in "a cold drizzling rain," he held the immense throng "enraptured by a mingled strain of argument, wit and anecdote." That night, despite a strenuous day of parades and oratory, the crowd called for him again, and "in a minute he was up and at it, and for nearly two hours swayed the throng at his will, now with eloquence and argument, and now with uncontrollable mirth," wringing from the enthusiastic reporter the exclamation that, "such a store of amusing and apposite anecdotes as this 'Mountain Boy' has, is not possessed by any [other] man living!" Others of more seasoned judgment and longer experience in forensic contests than the reporter also fell under his spell; Badger, acknowledging a compliment to his own speech, declared with great emphasis, "But you ought to have heard young Vance. He is the greatest stump speaker that ever was; the greatest that

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[34] An account of this rally may be found in the Raleigh *Register*, October 17, 1860.

ever was!"[35] From that day forward Vance was a marked man; within two years of the Salisbury meeting the people by an unprecedented majority were to call him from the battlefield to the chief magistracy of the state to guide it through the greatest crisis in its history. The rally was a great success. "But one sentiment prevailed," wrote the correspondent of the *Register*, "and that sentiment was—'We fight for the Constitution, the Union, and the Laws—we will fight within the Constitution, the Union, and the Laws—we will not be led off by Seceders in the South, or by Black Republicans in the North, and we will never give up our Institutions, until stern necessity compels us to believe that they being no longer adequate to our protection, we must resort to that right of revolution which is inherent in every people'."

The popular vote in November was: Douglas, 2,401; Breckinridge, 48,539; Bell, 44,990. Thus Breckinridge's absolute majority was only 848 votes. Although the vote for Bell and Douglas was indisputably a Union vote, it would not be correct to assume therefore that the vote for Breckinridge was altogether a disunion vote. In 1860 the rank and file of North Carolina Democrats were opposed to secession for any then existing cause. But many Union men believed that the election of Lincoln would probably cause the secession of the cotton states; that Bell had no chance of election; and that the only way, therefore, to defeat Lincoln and save the Union was to elect Breckinridge. This argument won many a vote for Breckinridge in North Carolina which otherwise would have gone to Bell.

North Carolina accepted the result of the election calmly. The first reaction was a feeling of relief that it had passed off quietly, and this was quickly followed by a perceptible ebbing of disunion sentiment. "The Disunion influence here," wrote Worth from the Senate Chamber in Raleigh, ten days after the convening of the Legislature, "is less potent than it was at the beginning of the session."[36] Holden, who understood the mass-thinking of North Carolinians better than anybody else, summed up the pre-

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[35] Battle, R. H., *Zebulon B. Vance*, 21.

[36] *Worth Correspondence*, I, 124.

vailing attitude in the single phrase, "Watch and Wait." Accordingly, while the situation in South Carolina and other southern states was characterized by feverish preparations for secession, the situation in North Carolina "possessed no feature unusual to a presidential contest beyond a strained expectancy and a dread of the effects of the result in less conservative quarters of the Union."[37]

The First Convention Campaign

Between the election of Lincoln in November, 1860, and his call for troops in April, 1861, three very distinct views prevailed in North Carolina as to the proper course for the state to pursue. At the one extreme were the radical state rights Democrats, who held to the doctrine of the constitutional right of secession and considered the election of Lincoln a sufficient justification for the southern states to exercise that right; this group favored immediate secession. At the other extreme were the nationalists, who denied the constitutional right of secession but admitted that the "right of revolution is one inherent in every people, in every form of government";[38] this group was a unit in agreeing with Governor Graham, who stated in November, 1860, that "the necessity for revolution does not yet exist."[39] Between these two extremes was the third and much the largest group, composed of conservative state rights men, Democrats and Whigs alike, who accepted the doctrine of the constitutional right of secession but were opposed to the dissolution of the Union for no better reason than Lincoln's election.[40] It was evident that the course which North Carolina would take largely depended upon the success of the two groups at the extremes in winning adherents from the middle group. The people waited patiently, but with great concern, for the Legislature to give an authoritative expression as to the policy of the state.

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[37] Wagstaff, *State Rights*, 118-119.

[38] Greensboro *Patriot*, November 15, 1860. Quoted by Wagstaff, *op. cit.*, 123, note.

[39] Quoted by Wagstaff, *op. cit.*, 122.

[40] Clingman, Speech in the United States Senate, December 4, 1860.—*Speeches and Writings*, 517.

The Legislature met November 19. In the House were sixty-five Democrats and fifty-five Whigs; in the Senate thirty-two Democrats and eighteen Whigs. The Democrats of course controlled the organization, electing William T. Dortch of Wayne County speaker of the Commons and Henry T. Clark of Edgecombe speaker of the Senate. They were conservative men, though representing strongly pro-slavery constituencies. As a rule the Democratic leaders were advocates of immediate secession, but the rank and file were conservatives. Jonathan Worth, Whig senator from Randolph, wrote from Raleigh that "it has often been asserted in debate here and in no instance denied, . . . that every member, while a Candidate, professed devotion to the Union and declared the election of Lincoln, which we all expected would happen, would not justify breaking up the Union"; and he was convinced that "nearly all the unpretending Democratic members were at heart what they had professed to be before their constituents—Union men";[41] however, he feared that they would "ultimately follow their leaders," who, he believed, had "joined the Southern league" and "openly, or in disguise look to a dissolution."[42] Worth hinted at the course agreed upon by the conservatives, Democrats and Whigs alike, when he expressed the hope that the Legislature would take no action relative to Federal affairs before the Christmas recess and that it would "then adjourn until the inauguration of Lincoln."[43] This suggestion, of course, was in line with Holden's "Watch and Wait" policy.

The radical state rights Democrats looked to Governor Ellis to outline their course of action. In his message, prepared after consultation with "Avery and Co." (as Worth characterized the Democratic leaders), he presented the arguments for secession without openly advocating that action, and recommended the adoption of the following program: (1) A conference of the southern states looking to united action; (2) The calling of a state convention; (3) The arming and equipping of the state for

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[41] *Worth Correspondence*, I, 124.
[42] *Ibid*, I, 126.
[43] *Ibid*, I, 125.

war; (4) Preparations for resisting coercion by the Federal government. The message, of course, aroused a long and spirited debate. The radical Democrats supported the governor's program in its entirety; the conservative Democrats and the Whigs, though differing on minor points, cooperated in opposing a state convention—the former on the ground that it was premature, the latter that it was in reality a disunion scheme. The debate continued until December 22, when the Legislature adjourned for the Christmas recess without reaching a decision.

In the meantime both sides were busy trying to win popular support. Those southerners who think that but one mind prevailed among their fathers in 1860-61 and that they moved forward to their decision with perfect unanimity and harmony would receive a shock if by chance they were to delve into the contemporary records of the period. Revolutions whether staged in 1776 or in 1861 are not the "pink tea" affairs that ardent patriots of later times often imagine they were. Indeed, it would be difficult to determine from the contemporary records of 1860-61 whom the different factions in North Carolina distrusted most —each other, or their northern opponents.[44] As usual in such movements, in the convention campaign of 1861 shibboleths and nicknames were often accepted as substitutes for arguments and reasons. Such terms as "submissionists" and "fire-eaters" did yeoman service for witless editors and politicians who could not answer each other's arguments. Neither side asked nor gave quarters. Holden, who led the attack on the governor's program, although "the old and approved leader" of the Democracy, was promptly "decapitated" by the Democratic Legislature which deprived him of his office of public printer. Clingman, on the other hand, though "originally a Henry Clay Whig, reviling Democracy more than his leader," now urged immediate secession without waiting for overt acts by the incoming administration, and was immediately reelected to the United States Sen-

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[44] "I am truly sorry," wrote Worth, "that I am a member of this Assembly, which I think contains less of patriotism than any like number of men ever assembled in this state since the close of the Revolution."—To J. J. Jackson, Raleigh, December 17, 1860. *Correspondence*, I, 127.

ate.[45] Both sides organized mass meetings in every section of the state. Such meetings were held in more than thirty counties in November and December, and from them there poured into the Legislature a flood of petitions representing every shade of opinion on the question at issue.

If the Secessionists held a meeting the Unionists promptly organized a counter-meeting. When Secessionists staged a meeting in Raleigh, November 29, to hear speeches by two South Carolina congressmen enroute through the city to Washington, the Unionists promptly organized an opposition meeting in the courthouse which "was packed as closely as herrings in a barrel, by highly excited Union men," who heard Vance deliver a speech "which abounded in strong Union doctrine." From South Carolina, Alabama, and Mississippi, came visiting statesmen "for the philanthropic purpose," said the *Register*, "of infusing the right doctrine into us North Carolina simpletons." Secessionists, of course, welcomed these commissions with great enthusiasm, but the Unionists bitterly resented their coming. The *Register*, commenting upon a visiting South Carolina statesman's "high falutin attempts at oratory and murderous assaults upon the English language," besought South Carolina if she was determined to "destroy the Union," please to "do so grammatically."[46]

The Unionists fought an uphill battle. "Split up into many groups of varying opinions," with no definite aim, they found it impossible to be aggressive with a policy of "watching and waiting."[47] Their opponents, on the other hand, were united in opinion and knew what they wanted. When South Carolina seceded, December 20, 1860, North Carolina Secessionists hailed her action with great enthusiasm. At Wilmington they fired 100 guns in honor of the great event; and a few days later, January 10, 1861, a group of Cape Fear citizens, organized in conscious imitation of their Revolutionary ancestors as a committee of safety under the name of the "Cape Fear Minute Men,"

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[45] *Worth Correspondence*, I, 125-126.

[46] Issue of December 5, 1860.

[47] Hamilton, "Secession in North Carolina," ch. I of Hill's *North Carolina in the War Between the States*, 20.

without waiting for orders from the governor, and probably with the purpose of forcing his hand, seized the two United States forts—Caswell and Johnston—that guarded the Cape Fear river.[48] All through the East Secessionists formed clubs; young fire-eaters everywhere donned the red cockade; and towns and counties, without waiting for action by the state, pushed forward military preparations with feverish energy. The leading Democratic papers, including Governor Ellis' official organ, the *State Journal* of Raleigh, the editor of which had just been elected state printer over Holden, preached secession day in and day out. The drift was undoubtedly favorable to the extreme state rights group when the Legislature reassembled after the Christmas recess.

The legislators returned to Raleigh January 7. Scarcely had they got down to business before the news came of the seizure of the forts below Wilmington. The next day Mississippi seceded, followed on the tenth by Florida, on the eleventh by Alabama, and on the nineteenth by Georgia. These events gave point to the arguments of the pro-convention men who declared that the Union was already dissolved; that other states were on the point of seceding; that North Carolina, whether she liked it or not, would soon be compelled to choose her side; that it would be wise to have a convention in session ready for any emergency; and that, at any rate, the people ought to be given a chance to declare their wishes. These arguments were hard to answer; at least they convinced many Unionists including Vance, who published a letter favoring the convention. "I do not regard the call of a convention as a disunion movement," he wrote, "but as the conducting steel to the lightning-freighted cloud. Firm, temperate, and decided action may save the rights of the states and the Union as well. Non-action will precipitate us into disunion. A convention, while demanding terms of the Northern people, can also make our voices heard among the Southern

[48] Governor Ellis very promptly ordered the forts evacuated and restored to their garrisons.

States whose course is rapidly inoculating the people with dogmas which we cannot approve."[49] To this position most of the Unionist leaders had now come; in the Legislature, accordingly, opposition to the convention dwindled almost to the vanishing point, and on January 24 both Houses passed the convention bill by large majorities. The bill provided for a convention of 120 delegates elected and distributed in the same manner as members of the House of Commons. At the same election, when choosing delegates, the voters were to vote on the question of "Convention" or "No Convention"; if the majority favored the Convention the delegates were to be assembled by proclamation of the governor; otherwise, of course, they would not meet. The election was fixed for February 28.

The two parties staged a whirlwind campaign. Both anticipated a popular vote in favor of the Convention, and, therefore, directed their efforts toward controlling it. The Unionist leaders were divided on the question of calling the Convention. Jonathan Worth, Unionist candidate in Randolph, warned his constituents against it. "Believe not those who tell you this convention is called to *save* the Union," he said. "It is called to *destroy* it. If you desire to preserve the Union vote 'No Convention,' and at the same time be careful for whom you vote as delegates."[50] Most of the Unionist candidates, however, and every Unionist paper in the state, except the Greensboro *Patriot*, took the opposite view. When Badger expressed surprise that Holden, unionist candidate in Wake, had voted for the Convention, Holden replied, "Mr. Badger, today the people will elect 80 Union and 40 secession delegates, and if the convention carries and is assembled, we can take steps to prevent secession and save the Union."[51] His argument convinced Badger, who thereupon voted for the Convention. Both parties had a great surprise when the votes were counted; the people, more conservative than their leaders, elected seventy-four Union and forty-six secession

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[49] Letter to George N. Folk, January 9, 1861, Raleigh *Register*, January 16, 1861.

[50] *Worth Correspondence*, I, 132.

[51] Holden's *Memoirs*, 15.

delegates, and defeated the Convention by a majority of 651 in a total vote of 93,995; and this despite the fact that at the time every state south of North Carolina was a member of the Southern Confederacy.

Efforts at Compromise

In the meantime, February 4, delegates from the seceded states met in Montgomery, Alabama, organized the Confederate States of America, adopted a provisional constitution, and elected Jefferson Davis President. On the same day, delegates from twenty-one of the other states met in Washington in the Peace Conference, which Virginia had called to make an attempt "to adjust the present unhappy controversies."[52] Five days after the passage of the convention bill, the North Carolina Legislature had appointed commissions to attend both these meetings. The commission to Montgomery consisted of David L. Swain, Matt W. Ransom, and John L. Bridgers; the commission to Washington consisted of Thomas Ruffin, D. M. Barringer, George Davis, John M. Morehead, and David S. Reid. The two commissions were sent upon their respective missions "for the purpose of affecting an honorable and amicable adjustment of all the difficulties that distract the country, . . . and for the purpose of consulting for our common peace, honor, and safety."[53]

The commissioners to Montgomery reached that city on February 2. Had they ever had any chance of success it would have been destroyed by a private letter written by Governor Ellis to I. W. Garrott, a native of North Carolina, then living in Alabama, commending Ransom and Bridgers to his confidence as "warm southern men" and discrediting Swain, chairman of the commission, as one who "has not yet taken any decided position."[54] Furthermore the governor urged haste in the organization of the new confederacy in order to forestall a possible agreement at Washington. Said he, "rely upon it, the Southern Rights

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[52] Rhodes, *History of the United States*, III, 291.

[53] *Legislative Journals*, Session of 1860-1861, 78.

[54] Quoted by Turner and Bridgers, *History of Edgecombe County*, 189-190.

men in North Carolina will never desert you. We have submissionists here; but the great heart of the people is right. You may count on us, for we will be with you soon."[55] The commissioners found the capital of the new Confederacy agog with its newly acquired importance, "aflame with martial music, with marching troops, with officers in gorgeous uniforms, bearing new epaulettes, and with thoughtless but beautiful women.[56] Nobody wanted to discuss reconciliation, much less compromise; everybody wanted to win the North Carolina commissioners over to the southern cause, and extended to them every possible courtesy and hospitality, official and private. The Confederate Congress invited them to attend its sessions and presented to them a formal resolution expressing the hope that the work of the Congress would so commend itself to the people of North Carolina as to induce them "speedily to unite in our councils and in such government as shall be formed by these states." The commissioners accepted the invitation to attend the sessions of Congress but as observers only. It did not take them long to see that their mission was perfectly futile and on February 11 they submitted to Governor Ellis a report containing this paragraph: "We regret to be constrained to state, as the result of our inquiries, made under such circumstances, that only a very decided minority of the community in these states are disposed at present to entertain favorably any proposition of adjustment which looks toward a reconstruction of our National Union."[57]

The mission to Montgomery was a mere gesture; nobody entertained any expectation that it would accomplish its purpose. On the contrary the Unionists were sincerely hopeful that the Peace Conference at Washington might lead the country out of its difficulties. Commissioner Hall, sent by Georgia to sound out the sentiment of North Carolina, reported to the Georgia Secession Convention that the great obstacle "to the immediate cooperation of North Carolina with the Confederate States is the be-

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[55] Quoted by Hamilton, *Reconstruction in North Carolina*, 17, note.

[56] Winston, *Matt W. Ransom*, 18.

[57] The report is printed in Turner and Bridgers, *op. cit.*, 190-193.

lief entertained by a large number of citizens that the Peace Conference will compose the dissensions between the two sections."[58] The state rights men had no such expectation, nor indeed any such wish. Of the commissioners, Ruffin and Morehead worked earnestly for a compromise and supported the plan agreed upon by the Conference, but Barringer, Reid, and Davis voted against every proposition submitted except those that embodied the extreme southern demands.[59] Demanding all, they were willing to concede nothing, and thus represented the attitude of the extremists on both sides which had foredoomed the Conference to failure. While it was in session, Reid wrote to his constituents, who had nominated him for the proposed state convention, expressing lack of confidence in the success of the Peace Conference and emphasizing the futility of its efforts. The two North Carolina senators, Clingman and Bragg, in a public statement, warned the state to expect nothing from it, and the former advised immediate preparations for secession and war.[60] Their predictions of course were verified; the failure of the Conference struck the Unionists a stunning blow and gave a tremendous impetus to the cause of the Secessionists. Returning from Washington, Ruffin, Barringer, and Davis abandoned the Union cause as hopeless.[61]

The Second Convention Campaign

Thus strengthened the secession party, which now called itself the Southern Rights party, launched another vigorous campaign for a convention. On March 22 they held a two-days' mass-meeting at Goldsboro which was attended by more than 1,000 persons representing twenty-five counties.[62]. Weldon N.

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[58] Hamilton, *op. cit.*, 15, note.

[59] These proposals are summarized by Hamilton in ch. I of Hill's *North Carolina in the War Between the States*, 31-32. For the report of the North Carolina commissioners see *Ruffin Papers*, III, 133-137.

[60] Wagstaff, *State Rights*, 139.

[61] For an account of Davis's speech in Wilmington upon the work of the Peace Conference, see Connor, H. G., *George Davis*, 17-18.

[62] For a full account of this meeting see Wagstaff, *op. cit.*, 140-143.

Edwards presided. Among those present who spoke were Frederick J. Moses, commissioner from South Carolina, and Edmund Ruffin, of Virginia, who came up from Charleston to lend his voice to the cause of secession. The meeting passed strong secession resolutions, adopted a plan of state-wide organization, and adjourned to meet on May 20 at Charlotte, where the secession sentiment was so strong that Governor Morehead characterized the town as "a young Charleston."[63] During the next two months the Secessionists were busy perfecting their organization, holding county meetings, and flooding the governor with petitions urging him to call a special session of the Legislature which, in turn, would call a convention. Their aggressiveness, their unanimity, their organization, and their definiteness of aim gave them a great advantage over the Unionists and forced the latter, although in the majority, to play the rôle of a minority party.

Events played into the hands of the Secessionists. On April 12 Fort Sumter was fired on; on the thirteenth it surrendered; on the fifteenth President Lincoln called for troops to put down the rebellion. To the request of the Secretary of War for two regiments from North Carolina, Governor Ellis replied:

> Your dispatch is received, and, if genuine—which its extraordinary character leads me to doubt,—I have to say in reply, that I regard the levy of troops made by the Administration, for the purpose of subjugating the States of the South, as a violation of the Constitution, and a usurpation of power. I can be no party to this war upon the liberties of a free people. You can get no troops from North Carolina.

Unionists as well as Secessionists applauded the governor's reply, for they regarded the call for troops as the overt act which all alike had proclaimed would justify the dissolution of the Union.

These events, breaking upon them with stunning suddenness, completely revolutionized the sentiments of the Unionists. The fourteen Union newspapers in the state, led by the Raleigh

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[63] Letter to Ruffin, Greensboro, March 5, 1861. *Ruffin Papers*, III, 137-138.

Standard, which undertook to pledge the last dollar and the last drop of blood in the state in defense of southern independence, promptly went over to the secession party. Before a crowd that packed the courthouse in Hillsboro to suffocation, ex-Governor Graham proclaimed that "Blood is thicker than water," and Judge Ruffin, striding to the front of the excited crowd, "his whole frame in a quiver of emotion, extended his arms, bringing them down in vehement gesticulation at each repetition of the word as shouted, 'I say Fight! Fight! Fight!' It was the scream of the eagle as he swoops upon his prey."[64] "For myself," wrote Vance, "I will say that I was canvassing for the Union with all my strength! I was addressing a large and excited crowd, . . . and literally had my arm extended upward in pleading for peace and the Union of our Fathers, when the telegraphic news was announced of the firing on Sumter and the President's call for seventy-five thousand volunteers. When my hand came down from that impassioned gesticulation, it fell slowly and sadly by the side of a Secessionist."[65] The following incidents, related by the late Judge George Howard,[66] perfectly illustrate the effect of Lincoln's proclamation:

"On Monday, April 13, 1861, I held court in Danbury, Thomas Settle, solicitor. Messrs. J. M. Leach and Settle asked for the use of the courtroom for political speaking;—both were Whigs, seeking the Congressional nomination by appeals to the Union sentiment of the district. I granted their request. After reaching the hotel, A. M. Scales and Robert McLean came over and remarked that if they believed the rumor which they had heard, that Fort Sumter had been fired on, they would reply to Leach and Settle, and asked me what I thought of it. I told them whether true or not, I was sure something of like character would soon occur. They returned to the courthouse, and soon I was informed that they and Hon. J. A. Gilmer had concluded

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[64] Nash, Frank, "Chief Justice Thomas Ruffin," *Ruffin Papers,* I, 42.

[65] Vance, "The Political and Social South During the War," a speech before the John A. Andrew Post, No. 15, G. A. R., Boston, December 8, 1886.—Dowd, *Life of Zebulon B. Vance,* 441.

[66] Written on a fly-leaf of Andrew's *South Since the War.*

to speak. All spoke—Leach, Settle, and Gilmer as Union Whigs; Scales and McLean as State's Rights Democrats. Court adjourned in a few days, and I left Danbury in a buggy with Settle for his home—the road passing near, but not through Madison. As we approached Madison, chatting pleasantly, suddenly Settle sprang up and peering into the distance, exclaimed: 'What's that?' I looked and could just distinguish a flag floating from a building in Madison. Settle in a highly excited tone: 'It is a secession flag—something has happened—Madison has been a strong Union town.' Just then we saw several persons riding toward us. Settle hailed a gentleman on horseback, reading a newspaper, asking, 'What's the matter?' Promptly came the answer: 'Haven't you heard the news; Sumter attacked—Lincoln has called for 75,000 troops—everybody is for war—Governor Reid is speaking at Madison—volunteers are enlisting.' Settle, turning to me: 'I must go to Madison and get right.' I objected, telling him he needn't hurry—there would be both time and occasion. He insisted. At last we agreed to go, he to speak five minutes and then go on. As we drove up, we could hear Governor Reid in the upper room of a building, while about the door at the ground entrance there was quite a crowd. As soon as we came near, Settle sprang up and waving his hands aloft, cried out: 'I was all wrong! I was all wrong! You are all right! You are all right!' and leaping from the buggy he mounted one of the buttresses to the doorway, and until I called 'time up' poured forth a most passionate appeal for every man to stand by the South. We then went to his home. While enroute he said he would resign his office and go into the war. I pressed him not to do so until the end of the circuit; but he would listen to no delay, insisting that he must resign, and soliciting the appointment of Hon. John Kerr.

"'The next Monday at Rockingham [court] soon after court met, the sound of fife and drum was heard from several directions, and there marched into Wentworth about 150 volunteers. At recess I noticed both Scales and Settle in the ranks. An amusing incident occurred. A Mexican War veteran, one Hancock, was commanding. As he faced the long line, he called out, 'Right face!' Everybody faced right, save Scales and Set-

tle, and both of them faced about. Thereupon two companies were formed and Scales and Settle were elected captains.

"In a week or two I returned to Greensboro. As I was passing the residence of Hon. J. A. Gilmer he called to me, and, coming out to the buggy, said with deep emotion: 'On my return home, I found that at the very hour when I was speaking in Danbury, my son was donning his uniform and hastening away to Fort Macon. We are all one now'."

North Carolina Goes Out

Lincoln's call for troops had dispelled all doubt as to what North Carolina's course would be, and the governor took immediate steps to prepare the state for secession and war. He ordered the seizure of the Federal forts on the coast, of the arsenal at Fayetteville, and of the United States mint at Charlotte; he appointed a military inspector with power to seize enemy vessels in North Carolina waters; he called for 30,000 volunteers and established a military training camp at Raleigh; and he summoned the General Assembly to meet in special session. These measures met with popular approval; a wave of enthusiasm swept over the state; 5,000 volunteers, anticipating the governor's call for troops, tendered their services and private individuals subscribed large sums for their equipment.

The governor's proclamation calling a special session of the Legislature was issued on April 17. On the same day Virginia passed an ordinance of secession, subject to popular ratification, and her action left North Carolina no alternative. Graham, Badger, Gilmer, Worth, and other strong Unionists, all now admitted that the time had come for revolution; and the Union papers—some of them with bad grace, indeed—conceded the point. The Fayetteville *Observer*, for instance, though seeing no alternative to secession, salved its editorial conscience by placing "the guilt and folly of destroying the best government on earth" upon the shoulders of "a stupid and treacherous administration on the one hand and the malcontent fire-eaters on the other."[67]

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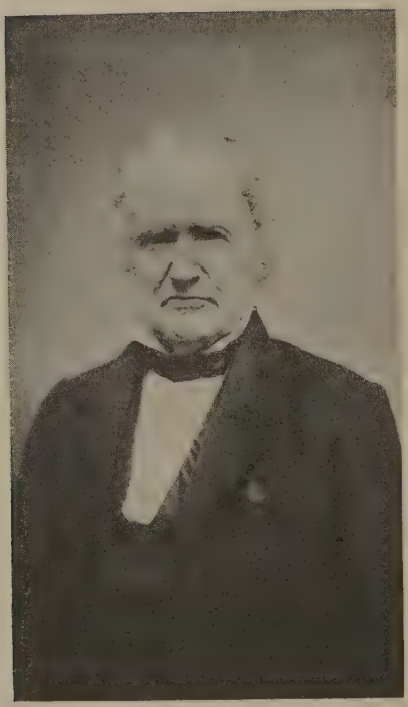
[67] Issue of April 15, 1861.

The Legislature met in special session May 1. Its machinery, usually so cumbersome, now moved with startling rapidity. Before the close of the first day's session, the governor's message had been heard, a convention bill passed, and the governor's election proclamation issued. Anticipating the course the Convention would take, the Legislature turned its attention to the problem of military defense. It authorized the governor to convert the arsenal at Fayetteville into an arms and munitions factory; to enlist and organize 10,000 troops for the war; to call into the state's service 50,000 twelve-months men; to send military aid to Virginia; to seize and operate all telegraph lines; to erect fortifications along the coast; and to commission in the state's service, with the same rank held in their former service, any officers who might resign from the United States army. To meet the initial military expenses, it provided for the issuance of treasury notes and bonds to the amount of $5,000,000. Acts were passed defining treason against the state and forbidding state officials to take an oath to support the Constitution and laws of the United States. The Legislature adjourned May 13, the day fixed for electing delegates to the Convention.

Unlike the previous convention act, the act of May 1 did not provide for a popular referendum on the call of the Convention; the Legislature exercised its constitutional right to call a convention without consulting the wishes of the people. The act provided for an unrestricted convention, composed of 120 delegates, with power of final action, to meet May 20. In the campaign that followed, former party lines were completely swept away; Democrats and Whigs, who had not spoken to each other for years, found themselves "pigging together, heads and points, in the same truckle-bed." In Wake County Holden and Badger, who had long been "on indifferent terms," were nominated on the same ticket; Badger, writes Holden, immediately approached me through the bar [of the courtroom] and offered his hand which I gladly accepted," and the audience greeted their little stage-play "with thunders of applause." Later, in the Convention itself, after Holden had voted for Graham for president, the latter, who had not spoken to Holden for many years, suddenly discovered that after all he was "a true man," and



WELDON N. EDWARDS

expressed a desire that they "be reconciled and on speaking terms." Holden jumped at the chance; the two shook hands, and buried the hatchet.[68] On the other hand many old friendships were severed. "You will please discontinue sending me the *Presbyterian*," wrote Worth to the editor of his church paper. "Great as is my personal regard for you, I can not regard it as consistent with my sense of duty to patronize a paper, even if it were a political one, which advocates Secession and seeks to alienate one section of this country against the other."[69] Since all parties were agreed upon the course the Convention should take, the only issue involved in the election of delegates was the theory upon which the anticipated action should be based; on this issue the state rights men more faithfully represented the views of North Carolina than their opponents, and, accordingly, captured the Convention.

The Convention met May 20. It was an able body of men, but their "political antipathies were deep and strong"[70] and were frequently in evidence. The first test of party strength was the election of a president, when Weldon N. Edwards, nominee of the Secessionists, defeated William A. Graham, nominee of the "revolutionists," by a vote of sixty-five to forty-eight. Immediately upon organization, Badger introduced an ordinance expressing the views of the "revolutionists"; carefully avoiding the question of the constitutional right of secession, he drew an indictment against Lincoln, in imitation of Jefferson's indictment in a greater document against George III, and closed with the declaration:

> Therefore, this Convention, now here assembled, in the name and with the sovereign power of the people of North Carolina, doth, for reasons aforesaid, and others, and in order to preserve the undoubted rights and liberties of the said people, hereby declare all connection of government between this state and the United States of America dissolved and abrogated, and this State to be a free, sovereign and independent state, owing

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[68] Holden, *Memoirs*, 16-17.

[69] *Worth Correspondence*, I, 135.

[70] Holden, *Memoirs*, 17. See also McCormick, J. G., *Personnel of the Convention of 1861* (James Sprunt Historical Monographs, No. 1).

no subordination, obedience, support or other duty to the said United States, their Constitution or authorities, anything in her ratification of said Constitution, or of any amendment or amendments thereto to the contrary notwithstanding; and having full power to levy war, conclude peace, contract alliances, and to do all other acts and things which independent states may of right do; and appealing to the Supreme Governor of the world for the justice of our cause, and beseeching Him for his gracious help and blessing, we will, to the uttermost of our power, and to the last extremity, maintain, defend and uphold this declaration.

Thereupon, Burton Craige offered as a substitute the following ordinance expressive of the views of the Secessionists:

> "An Ordinance Dissolving the Union Between The State of North Carolina and the Other States United with her under the Compact of Government Entitled 'The Constitution of the United States.'
>
> *"We, the people of the state of North Carolina, in convention assembled, do declare and ordain, and it is hereby declared and ordained,* That the ordinance adopted by the state of North Carolina in the convention of 1789, whereby the Constitution of the United States was ratified and adopted, and also all acts and parts of acts of the General Assembly, ratifying and adopting amendments to the said Constitution, are hereby repealed, rescinded, and abrogated.
>
> *"We do further declare and ordain* that the union now subsisting between the state of North Carolina and the other states, under the title of 'The United States of America,' is hereby dissolved, and that the state of North Carolina is in full possession and exercise of all those rights of sovereignty which belong and appertain to a free and independent state."

The motion to substitute was carried by a vote of seventy-two to forty, and then the Craige ordinance was adopted by a unanimous vote. After the defeat of his own declaration, Badger withdrew from the hall; later he returned and asked to be recorded as voting aye on the Craige ordinance, adding, however, "And I hereby utterly repudiate all belief in any right of secession." The Unionists, as a rule, however, surrendered more gracefully. "William A. Graham in voting said that for the future he waived all question of the constitutional right of secession. Judge Ruffin said that if a halter were about his neck

he would still vote Aye."[71] Within an hour after the passage of the Craige ordinance, the Convention ratified the Provisional Constitution of the Confederate States of America.

Varied were the emotions excited by these acts. Upon the adoption of the Craige ordinance, the Convention itself "looked like a sea partly in storm, partly calm, the Secessionists shouting and throwing up their hats and rejoicing, the Conservatives sitting quietly, calm, depressed."[72] In the lobbies of the Capitol and on the streets of Raleigh, thronged with civilians and soldiers, the wildest excitement and enthusiasm prevailed. Soldiers paraded, bands played martial tunes, church bells pealed, guns fired salutes, and everybody hurrahed! Thus the crowd rejoiced as at a great triumph; more thoughtful persons realized but too keenly that they celebrated a great tragedy. Badger, seated at his dinner table, heard the Capitol bell announce the passage of the Ordinance of Secession, and raising his hand, said with great solemnity, "The death knell of slavery!"[73]

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[71] Hamilton, ch. I, of Hill's *North Carolina in the War Between the States*, 44, and 44 note.

[72] Holden, *op. cit.*, 17.

[73] Hamilton, *op. cit.*, 44, note.

CHAPTER XXXII

THE SOCIAL STRUCTURE IN 1860

Probably no other people in modern times ever plunged into a great life and death struggle so poorly prepared for it as the southern people in 1861. And their lack of preparation was not in material things only. Their social structure was even less suited for such a contest than their economic structure. In this respect North Carolina was a typical southern state.

By 1860 the state had sloughed off many of the frontier aspects that had characterized its social life at the beginning of the century. Evidences of a more liberal order were seen in the constitutional reforms of 1835 and 1857, in the establishment of a system of public schools, in the new humanitarian spirit that was abroad in the state, and in the building by state aid of a great system of transportation. Nevertheless, in 1860 these movements were all too recent to have greatly affected the social structure itself, which had undergone but little change since 1760.

Social Classes

The social classes of 1860 were those of the colonial period —the gentry, the middle class, the yeomanry, the poor whites, the free negroes, and the slaves. Large landowners and slaveholders, public officials of the higher ranks, and members of the learned professions considered themselves as forming the gentry. They looked upon the small merchants, overseers, and small landowners with few slaves as the middle class. The term yeomanry they condescendingly applied to the small non-slaveholding farmers. On the same social level with the yeomanry were those engaged in some form of mechanical labor. As already pointed out, by 1860 this group was growing in numbers and importance with the development of railroads and industries; its interests were different from, if not inconsistent with those

of the slaveholders, and its natural alliance politically, socially and economically was with the yeomanry and poor whites. This latter group embraced day laborers, hired hands, and farm tenants.

The lines of division were rather sharply drawn between the slaveholding class on the one hand and the non-slaveholding classes on the other; yet it was always possible for one to pass from the social class into which one was born into that next above. It usually took three generations for a family of the middle class to attain full recognition among the gentry, but it was often difficult to distinguish a yeoman from a man of the middle class. Among the latter groups class consciousness was not exaggerated, for the vast majority of the inhabitants moved upon much the same social level.

It is difficult to estimate the exact number belonging to each social class among the whites. Certain it is, however, that the population was largely agricultural and that, if the possession of land and slaves be taken as indices of social rank, the gentry class was exceedingly small. The size of farms in North Carolina in 1860 as given in the following table is an indication of this fact:

SIZE OF FARMS IN NORTH CAROLINA IN 1860[1]

Acres	*Number of Farms*	*Per Cent of Total*
3 and under 10	2,050	3.0
10 and under 20	4,879	7.3
20 and under 50	20,882	31.1
50 and under 100	18,496	27.6
100 and under 500	19,220	28.7
500 and under 1,000	1,184	1.8
1,000 and over	311	.5
Total	67,022	100.0

Sixty-nine per cent of the farms in North Carolina in 1860 contained less than a hundred acres each; while only 2.3 per

[1] *U. S. Census of Agriculture*, 1860, 210.

cent contained more than five hundred acres each. Since a member of the gentry usually owned at least five hundred acres of land, it is certain that this class embraced only a small proportion of the population. Although the exact size of landholdings cannot be obtained from the census report, for it often happened that a person had holdings which were not contiguous, it is evident that small farms were characteristic of North Carolina in 1860. The breaking up of large landholdings toward the close of the ante-bellum period was clearly indicated, for in 1860 the number of farms had increased 18,240 over those in 1850, and at the same time the average size of farms had decreased.[2]

The size of slaveholdings, as the following table shows, also points to the fact that the gentry class formed only a small percentage of the total population:

SLAVEHOLDING IN 1860[3]

Number of Slaves	*Number of Owners*	*Per Cent of Total*
1 slave	6,440	18.6
2 and under 5	9,631	27.8
5 and under 10	8,449	24.4
10 and under 20	6,075	17.5
20 and under 50	3,321	9.6
50 and under 100	611	1.8
100 and under 200	118	.3
200 and under 300	11	*
300 and under 500	3	*
Total	34,658	100.0

* Less than one-tenth of one per cent.

It has been estimated that a landowner could scarcely be considered a member of the gentry in the ante-bellum South who owned fewer than twenty slaves; in North Carolina those who

[2] U. S. Census, *op. cit.*, 222. The average size of farms in 1850 was 369 acres; in 1860, 316.

[3] *Ibid*, 235-36.

owned more than this number formed only 11.7 per cent of the total slaveholding population. At the same time 72.7 per cent of the families of the state owned no slaves at all. It is clear, therefore, that there were few large estates and that the great mass of the people owned no slaves and but little land; nevertheless the very existence of the institution of slavery with all its implications made the division of the population into social classes inevitable.

The conflicting interests of the slaveholding class and the non-slaveholding classes, was a factor of prime importance in the history of North Carolina during the Civil War. When the war opened men of all classes and interests, under the impulse of a patriotic resentment against invasion, flocked into the Confederate armies. But when the first flush of enthusiasm had subsided and they had had a real taste of grim war, many of them were not disposed to reenlist when their original terms began to expire. As the spring of 1862 approached the Confederate government found itself facing a serious military crisis. The Confederate army was on the point of melting away as the Union army drew its coils closer and closer around the Confederate capital. To meet the emergency, the Confederate Congress adopted the policy of conscription. Necessary as this policy was, it created serious disaffection in the South generally, and especially in North Carolina.[4] There were various reasons for opposition to the conscription acts, but two provisions especially were resented by the non-slaveholding classes, which of course furnished the great majority of troops to the southern armies. One of these provisions permitted a man subject to conscription to avoid personal service by employing as a substitute another who was not within the prescribed ages; the other was the "twenty nigger exemption," so called because it exempted from military service one white man on every plantation which worked as many as twenty slaves. Both provisions, whatever may be said in their defence, smacked of class discrimination and aroused bitter resentment among the unprivileged classes. Already many non-slaveholders, small farmers and mechanics, were beginning to ask themselves and each other

[4] Ashe, *History of North Carolina*, II, 719-20, 749, 788, 858.

what benefits were to accrue to them from a war waged primarily in behalf of slavery; they expressed their sentiments clearly in the popular phrase that the struggle was "a rich man's war and a poor man's fight."

In North Carolina disaffection reached its climax in 1863-64 and was seized upon by Holden as the basis of his peace movement. Adroitly appealing to the class interests of non-slaveholders, he launched a movement to secure the withdrawal of North Carolina from the Confederacy and her return to her former place in the old Union, and attempted to ride into the governor's office upon the wave of discontent which he stirred up. He made a tremendous impression on the classes to which his appeal was addressed, convinced thousands of them, civilians and soldiers alike, that the real objects of the southern leaders in the war were inimical to their class interests, and indirectly induced hundreds of North Carolina soldiers to desert their colors. By the summer of 1864 he had led North Carolina to the very brink of a class war and the state was saved from that calamity chiefly because Holden's opponent, Governor Vance, understood better than he the mass-thinking of North Carolina and had a far greater capacity to win the confidence of the people. As one student of Vance's career puts it, "He seems to have been able to tell what the people wanted before they knew themselves,"[5] and thus was able to steer their thinking into safe channels. In 1864 Vance held the great mass of North Carolinians to the support of a cause which most of them instinctively felt was contrary to their social and economic interests.

The social status of the negro, free and slave alike, was definitely fixed by law. On more than one occasion the Supreme Court of the state defined a negro as a person whose veins contained one-sixteenth or more of negro blood. The free negro population, which numbered 4,975 in 1790, had increased by 1860 to more than thirty thousand; yet this number was only 3.3 per cent of the total population of the state and only 8.4 per cent of the negro population. The free negroes were usually

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[5] Roberts, A. Sellew, "The Peace Movement in North Carolina."—*Mississippi Valley Historical Review*, vol. xi, no. 2, p. 193.

employed as mechanics, day laborers, and farm hands. Some kept small shops, and a few owned land and even slaves. In some towns the free negroes claimed the admiration and respect of the whites, and in New Bern at least divided themselves into several social classes. James W. Bryan, a New Bern lawyer, wrote to his brother, John H. Bryan, of Raleigh: "I think in a few more years the negroes will take and rule the place. The display made by them here on Sunday is perfectly astonishing—they dress elegantly and have taken the Episcopal Church. Our Pastor has a tremendous Sunday School of the *Negro Elite.*"[6]

The slave population in 1860 numbered 331,059, or exactly one-third of the total population of the state. The condition of the slave was frequently described by travelers in the South as being better in North Carolina than in South Carolina and Virginia.[7] It was observed that the slave was considered more as a part of the family than in the other states. There were, of course, instances of cruelty and neglect by masters, but the slave was too valuable as property to be greatly abused. The very existence of slavery, however, tended to render manual labor degrading and thus to attach social stigma to those who labored with their hands. An offset to this fact was the growing political importance which the common man came to have after the launching of the manhood suffrage campaign in 1848.

Social Characteristics

Social characteristics which distinguished North Carolina during the ante-bellum period were individualism, conservatism, sectionalism, and provincialism. By 1860, however, these characteristics had become somewhat modified by the progressive spirit which was generally abroad in the state. Nevertheless, there still existed an undue emphasis upon the rights of the individual as opposed to those of society, a freedom of speech which too often ran to license, a contempt for human life, and an unwillingness to resort to judicial processes to right personal

[6] MS in *John H. Bryan Papers*, vol. V, June 7, 1854. Collections of the North Carolina Historical Commission.

[7] Olmsted, F. L., *Journey in the Seaboard Slave States*, 376.

wrongs. Personal quarrels between members of the gentry were likely to lead to duels, while members of the yeomanry resorted to trial by physical combat. As a result, indictments for assault and battery appeared more frequently on county court dockets than for any other offense.

Perhaps one reason for this was the prevailing custom of speaking one's mind openly and without reservation. Local newspapers did much to foment personal strife by the publication as advertisements of scurrilous attacks on individuals, although by 1860 many editors had adopted the practice of refusing to print even for pay anything that might be an "instrument of injustice to a respectable gentleman."[8] Personal quarrels frequently continued over a long period of years and were often inherited by the children of the contending parties.

Conservatism, which usually exists together with individualism, was a conspicuous characteristic of North Carolina throughout the ante-bellum period. The people were fearful of change; they proceeded cautiously to adopt new ideas. Progressive political and social leaders had to battle constantly against this spirit of inertia and reaction. Archibald D. Murphey described the masses of North Carolina as "radically mean and grovelling." "The mass of the Common People in the Country," he said, "are lazy, sickly, poor, dirty, and ignorant." While the adoption of a public school system in 1840, the building of a state system of railroads beginning with 1849, and the passage of manhood suffrage in 1857 did much to stimulate the people, nevertheless, the average man continued to react conservatively to new ideas.

It is easier to understand this fact, when one realizes that before 1850 many of the state's most progressive men went yearly to seek homes in the West and Southwest. In 1860 almost a third of the people in the United States who were born in North Carolina were living outside their native state. It is interesting to note that 20 per cent, or one out of every five who left North Carolina, went to free states. By 1860, however, this drain of population had almost been checked.

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[8] *North Carolina Standard*, Oct. 24, 1849.

Also by 1860 the state had adopted a policy which had begun to weaken the influence of sectionalism. Yet eastern and western North Carolina continued to misunderstand each other. In 1859, for instance, F. L. Wilson, associate editor of the Raleigh *Standard,* on returning from a visit to Asheville, wrote that such a trip was "calculated to soften the asperities of sectional feelings, and to convince the Eastern people that the people of the West are neither savages nor ignoramuses; but on the contrary that they are intelligent, high-minded, hospitable, and civilized, and possessed of one of the finest sections on which the sun shines."[9]

While differences between East and West were most conspicuous, other sections also had their misunderstandings. No love was lost between Wilmington and Fayetteville, while the Albemarle and the Cape Fear sections had not forgotten their old colonial grievances. In fact, the northeastern section of the state again and again voted with the West against the Southeast. Sectionalism sometimes existed within a single county, one side contending against the other both economically and socially.

The provincialism of the people of North Carolina was a favorite joke with both northern and southern newspapers, which dubbed the state the "Rip Van Winkle of America." In 1850 the Petersburg *Intelligencer* explained that the backwardness of the people of North Carolina had "arisen no doubt from their landlocked situation, and from the want of those facilities of inter-communication which have given the other states such a start of them."[10] It was, indeed, the lack of such facilities that gave rise to much of the torpidity which was attributed to North Carolina society. The most striking feature of transportation conditions in the state was the fact that various sections of North Carolina were sometimes more isolated from one another than from portions of neighboring states. In 1860, for instance, Columbia and Charleston were the chief markets for large parts of western and southwestern North Carolina; while Richmond, Petersburg, and Norfolk served the northern, eastern and cen-

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[9] *North Carolina Standard,* Sept. 7, 1859.

[10] Raleigh *Register,* Aug. 3, 1850.

tral sections of the state. Throughout the ante-bellum period efforts were made to improve intra-state transportation, first by waterways and turnpikes, and later by railroads; but in 1860 many portions of the state were still without such facilities.

Nor did the state in 1860 have adequate mail service. Favored communities such as Raleigh, New Bern, Fayetteville, Wilmington, and Salisbury had two and three mails a day delivered by rail, but in many parts of the state two mails a week delivered on horseback were the most that could be expected, and as late as 1860 many persons still depended upon private conveyances for sending letters. The newspapers, of course, played an increasingly important rôle as a medium of communication. In 1848 a telegraph line was extended from Virginia through Raleigh and Fayetteville; soon other important towns in the state were connected, and all the leading newspapers began to carry telegraphic news. The census report for 1850 lists fifty-one newspapers in the state with a circulation of one paper for every three white adult males, but the figures given by the newspapers themselves show that their circulation was never large.

Traveling was fashionable among members of the upper class, who often visited Philadelphia and New York and liberally patronized the mineral springs of Virginia and the North; but the average North Carolinian seldom took a longer journey than an occasional trip to market. Few, as John H. Bryan, member of Congress from the New Bern district, wrote to his wife, obtained the broadening influence of travel and residence in a city, which tends "to enlarge and inform the mind, to emancipate it from the shackles of habit and prejudice which a constant residence in a village"[11] very frequently imposes upon one.

The social characteristics which have been discussed were the basis of most of the internal strife in the state and of its unsatisfactory relations with the Confederate government throughout the Civil War. North Carolinians sometimes carried their individualism to absurd extremes, as when soldiers demanded to be allowed upon enlistment or conscription to select

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[11] MS in *John H. Bryan Papers, op. cit.*, Vol. II, Feb. 10, 1828.

their own companies without regard to military necessities; deserters even insisted upon this privilege as a condition upon which they would return to their colors; and North Carolina soldiers complained loudly when in obedience to military requirements Confederate authorities sometimes placed them under the command of regimental or brigade officers from other states.

Sectionalism, too, weakened the military arm of the state. Predominant sentiment in the West was opposed to secession from the beginning; it was the western vote that defeated secession in February, 1861, and thousands of small farmers in that section, who considered secession a slaveholders' movement, never gave the Confederacy their loyal support. By the summer of 1862, "in some of the mountain counties an influence was developed in sympathy with the sentiment that prevailed in East Tennessee favorable to the Federal Union";[12] and this section of North Carolina became the refuge and stronghold of deserters and those who sought to avoid conscription, thousands of whom of course were not North Carolinians, who flocked there because they found not only sympathy among the people but also protection against state and Confederate officers.

His association with troops from other states and his campaigns in Virginia, Maryland, and Pennsylvania broadened the viewpoint of the average North Carolina soldier, who had never before crossed the boundary line of his own state, or possibly even of his own county; but his experience was not shared by his home-folk behind the lines whose provincial outlook, if changed at all, was strengthened by the war. Provincialism was the chief cause of the friction that characterized the relations between the state and Confederate administrations. Military policies and practices which were accepted as a matter of course when adopted by the Federal government in 1917-19 were bitterly resented and resisted almost to the point of violence when adopted by the Confederate government in 1861-65. No soldiers ever fought better than the North Carolina troops in the Confederate armies, and no people ever sacrificed more for a cause

[12] Ashe, *History*, II, 775-76.

than the people of North Carolina did for the Confederacy; nevertheless there was a large element in the state who were never quite willing to surrender local and provincial interests in a whole-hearted support of the general cause. Their vision did not extend beyond the bounds of North Carolina. When a disabled Virginia officer, with a fine record of military service, was appointed to collect the Confederate tax in kind in North Carolina the press of the state denounced the appointment as an odious oppression of the people and a flagrant insult to the state, and Governor Vance even thought it sufficiently important to quarrel with the Confederate government about.[13]

Sensitiveness and suspicion are ever the offspring of provincialism, and North Carolina could not rid herself of the suspicion that the Confederate administration was hostile to the state and her people; many North Carolinians pictured Jefferson Davis, even with the enemy thundering at the gates of Richmond, as consuming his precious time in concocting with his cabinet officials and generals schemes for discriminating against and humiliating the state. Holden, with his ear ever to the ground to catch the first rumblings of popular discontent, constituted himself the mouth-piece of this element, whose views he expressed in an editorial indictment of the Confederate government, published in the *Standard*, June 3, 1863:

> North Carolina is badly treated. She is ignored. She has no voice in the Cabinet. She is raked for conscripts as with a fine-tooth comb. Her troops are always placed in the forefront of the hottest battles. Her sick and wounded are scattered through every hospital in Richmond, and are treated by physicians appointed from other states. A large portion of her people are suspected of being disloyal. The people of North Carolina are long suffering; but Mr. Davis would do well to bear in mind that it is the last straw that breaks the camel's back. . . . North Carolina must be the equal of the other states of the Confederacy, or she will leave it, and endeavor to take care of herself.[14]

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[13] Ashe, *History*, II, 836-37.

[14] Quoted in Ashe, *ibid*, 835-36.

Provincialism run to seed; and unfortunately it was carefully cultivated in the hearts of thousands of ignorant people who in the long run were forced to reap the harvest.

Rural Life

Since the majority of the people of North Carolina were engaged in agriculture, social life was distinctly rural in character. Even the planter had but little time for recreation, for as Ebenezer Pettigrew, a large and successful planter of eastern North Carolina, pointed out, "a Plantation to be well managed should never be left but at very short intervals. It is very certain that if it is a matter of life and death, and the owner is of any use then he should go away, but not otherwise."[15] Life on the plantation as well as on the farm was monotonous, but the isolation was broken by occasional neighborhood visits, trips to market, attendance at musters, courts, and visits to the community church.

The plantation afforded the most refined type of social life to be found in the country. A few planters could boast of comfortable summer houses in the nearby villages, or at local summer resorts, and commodious plantation houses in the country, fine horses, carriages, silver, and excellent linens; but most of them lived simply in unpretentious houses with only a few servants to perform the most arduous tasks of housekeeping. Although the planter quite frequently had his little library, the only time he could find for reading was at nights and on Sundays. The household duties of the planter's wife consumed a large portion of the day, for she had the supervision not only of her own family, which was usually numerous, but also of the black families. She looked after the health of the slaves, gave out the "town-supplies" to them, and supervised the numerous minor plantation establishments, such as the wash-house, the weaving room, the sewing room, the dairy, and the meathouse.

The planter and his family found their amusements at occasional dinner parties, dances, week-end excursions, and house parties; while hunting and fishing always held possibilities of

[15] MS in *John H. Bryan Papers, op. cit.*, vol. IV, Oct. 26, 1847.

recreation. A few owned fine race horses which competed on the turf with rivals from Virginia and South Carolina.

Life on the farm was harder and less often relieved by recreation than on the plantation. In many instances the wife as well as the children worked in the field. Social gatherings among the small farmers were likely to combine work and play, such as quilting parties, wood choppings, cotton pickings, and corn shuckings. But the yeomen also had their "dance frolicks" and neighborhood socials. By 1860 singing schools and box suppers were also in great vogue.

The dress of the planter and the farmer followed the same general styles, the farmer copying the planter whenever he could afford it, the latter obtaining his styles "directly from Philadelphia and New York." Writers in local newspapers were constantly complaining of the blind worship of fashion which led the young women of that day to "go out to dinner parties in February and March, with an inch of sleeve and half-a-quarter of bodice!" The average planter, however, dressed conservatively. His wife's dress for best wear was of foulard, velvet, or cashmere; her every day attire of gingham or calico. The planter himself ordinarily wore a suit of dark wool with the coat, which usually had a cut-away effect, of a mildly contrasting material. His trousers were loose and high waisted and strapped under the shoe to prevent their bagging. His stock was of white silk, linen, or cotton and his waistcoat of drab wool.

Local newspapers complained that the dress of the gentry was "followed, in a greater or less degree, by almost everyone from the purse-proud nabob to the common day laborer." The dress of most of the lower classes, however, was of homespun even in 1860, although "store-bought" goods, such as calico and muslin, were being used in increasing quantities. Those who could afford two pairs of shoes had stitched-down shoes for every-day use and welted ones for Sunday. It was not uncommon, however, to see even women walking barefoot to social gatherings, carrying their shoes, which they put on just before arriving.

Besides private social gatherings, the planter and the farmer alike found recreation at certain public social centers, such as

the crossroads tavern, the country store, the church, the schoolhouse, the courthouse, and the lodge. The tavern-keeper usually subscribed to several newspapers, and at the tavern the men in the neighborhood congregated to read the news and disseminate local gossip. The tavern bar was always a drawing card, for drinking was common and here could be obtained liquors which could not be made at home. Here, too, were held public festivities, such as the commemoration of the Fourth of July or the celebration of a political victory.

The country store, which was usually owned by a planter or a prosperous merchant in a nearby town, or even in Charleston or Richmond, was a favorite resort for Saturday drinking and horse racing. It was the polling place for elections and the rendezvous for militia musters. The country church, especially during the week of the annual camp meetings, rivaled the country store as a social center for the rural population. In great throngs the people flocked to the camp grounds and while seeking religious inspiration also took a holiday from work. The church house was sometimes used as a schoolhouse and a place of political and social gatherings. The rural church, in fact, was one of the chief recreational centers. When the community boasted a schoolhouse, this building was also used as a public gathering place. Here were held public lectures, singing schools, and even political rallies. The lodge houses were less often used for public assemblies than were the other rural social centers, but to their own members they afforded an important means of recreation.

Certain occasions, such as public holidays, militia musters, and fairs broke the monotony of the every-day life of the country folk. The Fourth of July, election day, and Easter Monday were quite generally celebrated by speeches, drinking, fighting, gambling, and rural sports. A militia muster was also taken as a public holiday and observed in like manner. The favorite sports on such occasions were long bullets, slow racing, shooting matches, fives, and horse racing. The bloody hilarity of gander pulling and cockfighting was generally frowned upon by 1860.

Country fairs which early in the century were designed as markets for country produce fell into ill repute and were aban-

doned. Soon thereafter local agricultural societies adopted the idea of the country fair as a means of stimulating better agricultural methods, and with the organization of the State Agricultural Society in 1852 and the beginning of the State Fair, these local country fairs came into general popularity. They were largely attended by the rural population who enjoyed the speech-making and the awarding of premiums which were offered for the best displays of farm produce, household manufactures, and live stock.

The social life of the slave was hedged about by law and custom, but it would be an error to assume that he had no recreation. Planters found it an advantage to give their slaves a certain amount of leisure. The general practice was for each slave family to have a vegetable patch and not infrequently a piece of land to cultivate. The master often sold the produce for the slave and turned the money over to him to be spent as he chose. Occasionally the owner held corn shuckings for his own slaves and those of neighboring plantations. He also permitted them to have their dances and other Saturday night frolics. Slaves quite generally were allowed to fish, and sometimes, contrary to law, to hunt at night with fire and guns. Christmas Day was the great holiday for the slaves, and in some parts of the state they gathered at this time adorned in grotesque costumes and went John Kunering, singing and dancing for a few coins with which to buy liquor.

Town Life: Civic Affairs

In 1860 North Carolina had not a town which could boast of a population of more than ten thousand. The census for 1860 listed twenty-five towns in the state, but of this number only two contained a population of more than five thousand, while thirteen had a population of less than a thousand each.

The courthouse usually formed the center of the county town, with the stocks and whipping post occupying a prominent place in the courthouse yard, although by 1860 the larger towns had relegated these instruments of punishment to the backyard of the county jail. Dwelling houses sprawled out over a consider-

able area; those of the most prosperous were usually set some distance from the main street, in groves of trees and shrubs. The main street itself was hardly worthy of the name. At one end, opposite the courthouse, were the town pump, five or six retail stores, a blacksmith's shop, two or three grog shops, and perhaps a shoe shop and a tailor's establishment. If the town were progressive it would have several churches and would boast of a male or female academy.

The larger towns had public markets where country produce was bought and sold. Fayetteville, for instance, housed its market in a separate brick building; while in other places the courthouse yard or some nearby street served the purpose. Sometimes, as in Raleigh, the market was located on the first floor of the town hall. Every town was ambitious for some kind of town hall, not only as a place for the meetings of the town commission, but also as a public auditorium.

The streets of the villages were not lighted at night, and even in the larger towns only the main thoroughfares. The inhabitants of every town considered it their inalienable right to turn their stock at large, and exercised this privilege despite the efforts of town commissions to prevent it. Frederick Law Olmsted, who visited Raleigh in 1853, regretted "the singular negligence or more singular economy" of the state which permitted the capitol square to be used as a hog pasture. While most of the towns and villages were described by visitors as mean and dingy, a few, such as Raleigh, Hillsboro, Charlotte, and Salem, were thought to be remarkably attractive. These towns had left many of the forest trees standing and had encouraged the planting of elms and poplars so that much of their rustic beauty had been preserved.

In North Carolina only a few towns were incorporated and vested with self-government. The Revised Code of 1855 outlined a system of government for all towns incorporated after that date, following closely the general plan which had earlier been granted to the more important towns. A mayor and a commission, made up of not more than seven nor less than three citizens of the town, had power to make by-laws and regulations. Since there had been a tendency earlier in the ante-bellum period

to place landed citizens only in control of town affairs, the Revised Code called for an annual election of town officers by ballot of all free white males who had paid the yearly city tax. This was doubtless a recognition of the political importance of the growing class of industrial workers. Nevertheless, a person, to be eligible to the office of commissioner, had to possess a freehold or leasehold within the town. The mayor had the power of a justice of the peace; and the commission, the power to levy city taxes.

The activities of the town commission varied with the character of the commissioners and the interests of the town, but ordinarily they were performed by four standing committees: a committee to attend to "the due repairing of the streets," another to "the Keeping in order the Public Pumps," a third to "the repairs of the Grave Yard," and a fourth to "the classing the Citizens as Watchmen." In times of a crisis the commission was likely to assume unusual powers. To check an epidemic of smallpox or cholera, it might stop all coming and going about the town; to reduce fire risk it might preemptorily order the widening of certain streets. Occasionally a commission, becoming ambitious, would urge the inhabitants to plant shade trees, consider means of furnishing the town with running water, and encourage a general clean-up campaign.

During the early part of the ante-bellum period, fire prevention was deemed a matter of private concern, although the town commissions ordinarily passed ordinances requiring each house to be provided with a ladder and buckets for fighting fire, and frequently encouraged the organization of "fire engine companies." By 1860, however, every important town in the state could boast of a "city fire department," the town paying for the fire engine and compensating the members of the company by exemption from city taxes.

Towns often officially observed certain public occasions. Unusual events, such as the completion of a railroad line, the erection of a city hall or a school building, the visit of an important personage, were likely to be commemorated by a parade in the morning led by the mayor and the commission on horseback, followed by the city brass band, the members of the Volunteer

Cavalry Corps in uniform, and the city fire department. The parade usually terminated at the leading church where the mayor and some prominent political leader closed the ceremonies with lengthy speeches. Sometimes there followed a public barbecue or a dinner at the leading hotel. The Fourth of July and, after 1850, Thanksgiving Day were observed in a similar manner, the latter day, however, having a religious rather than a political tone.

The town authorities also had an important part to play at a public hanging, for most people considered it a civic duty to be present on such an occasion. On the day of the event, the town would be crowded with eager spectators, men, women, and children, sometimes numbering three or four thousand. At the appointed hour, the prisoner, shrouded in a black robe and seated on his coffin, would be driven in a cart to the place of execution. Sometimes the city band would lead the procession, and the members of the volunteer corps were always present to restrain drinking, fighting, and gambling, which were common on such days. By 1850, however, there was a decided reaction against such spectacles, though public executions were still the rule.

Recreational and Cultural Activities

Just as the rural people had their public social centers, so did the townspeople have their general gathering places. The village tavern, the grog shop, the corner store, all were favorite places for general loitering and the daily exchange of jokes, gossip and political news. The church, the schoolhouse, and the lodge building furnished the town places for public meetings, as did also the courthouse and the city hall.

Court week, horse racing season, general musters, election day, political barbecues, funerals were all events which figured largely in the lives of the townspeople. Especially during court week and at the regimental musters the town would be crowded with people from the country, many of whom would take the opportunity to get a little "blue," as drunkenness was commonly called. Public entertainers, such as slight of hand performers, wire dancers, and negro minstrels, were often present to add to

the general gayety of the occasion. John H. Bryan, while attending Superior Court at Oxford, wrote to his wife that the singing and dancing of a troupe of traveling players drew large crowds and was "as much enjoyed by the country folk as the opera is by the more refined citizens of N. Y."[16]

Horse racing was the chief sport of the townspeople throughout the ante-bellum period. The races were usually held twice a year, in the spring and fall, for a period of three days; bets ran high; and the whole community would be in a turmoil of excitement. Considerable money was invested in horses and much time given to their training. It was fashionable for ladies, arrayed in their best attire, to attend and escorted by their gallant admirers watch the races from their carriages. Each day of racing was usually closed by a ball with a grand finale at the end of the season.

Dancing was a popular form of entertainment, despite the effort of some of the religious denominations to bring it into disfavor. Public dances, known as subscription balls, were customary in some towns. Some ten managers would be appointed for the season, who would set the dates for the dances. The general practice was to permit "all respectable gentlemen" to subscribe. Dancing was also the favorite form of entertainment at private social gatherings of the upper classes; and the favorite dance was the cotillion. Wine and whiskey, or punch flavored with an imported wine, were served at these dances, but the amount of drunkenness on such occasions was greatly exaggerated by the advocates of temperance. Teas, set suppers, "parties," and musicals were the customary forms of private social entertainment. These were occasions for gossip, music, love-making, and elaborate refreshments.

The lower classes had neither the time nor the leisure for elaborate festivities, although they did have their little parties and social gatherings. The young mechanics and clerks sometimes decided to have a charivari and serenaded the town with uproarious beating of tin pans and buckets. Each town also had its rowdies, who could be depended upon to get gloriously

[16] MS in *John H. Bryan Papers, op. cit.*, vol. IV, Sept. 5, 1850.

drunk on occasions and awaken the town at midnight with their shooting and yelling.

In some towns the people, especially the upper classes, organized clubs and societies not only for their own recreation but also for the general betterment of social life. Women's clubs, which were chiefly concerned with charitable work, usually took the form of "benevolent societies," or societies for the advancement of religion. The Raleigh *Register* often spoke of the Raleigh Female Benevolent Society, which organized a charity school for orphan girls, as one of the most valuable influences in the life of the town. The women also occasionally organized clubs to accomplish some special object, such as repairing the church or building a parsonage.

The men's clubs were of a different nature. They took the form of debating, literary, library, lyceum, and theatrical societies. The library society was one of the earliest of town clubs to appear and was still in vogue in 1860. A number of men in the community would obtain a few books as the nucleus of a library by the payment of an annual membership fee varying from fifty cents to ten dollars. As the library grew, the society usually sought incorporation by the Legislature and sometimes maintained a reading room which was open to the public upon the payment of a small fee. The debating clubs held frequent meetings and once or twice a year prepared debates on some classical and stilted subject to which the public was invited. At the literary societies, the members read papers about their favorite authors. The lyceum clubs, while supported by the more prosperous members of the community, were generally open to the public. Professional men of the town and political leaders in the state were invited to give the lectures. Theatrical societies were in great favor until the middle of the ante-bellum period, when traveling companies from the North became numerous enough to supply the local demand for such forms of recreation. Some towns had musical clubs and almost every town of any size a brass band which gave regular concerts. But all such organizations were sparodic and temporary, and at its best life in the average town in North Carolina before 1860 was dull and uneventful. Newspaper editors often remarked that they

were glad to announce the coming of a circus, for the town had been for a long time without any form of amusement, and they were constantly urging the organization of conversation and visiting clubs to break the monotony of the long winter nights.

Lack of Social Unity

It is evident from the above discussion that North Carolina life in 1860 was largely unorganized. There were no cities to stimulate and develop community spirit; towns and villages were too small to do so, and town-life differed but little in essentials from country-life. The great bulk of the people lived on widely scattered farms and plantations; individualistic, self-sufficient and self-reliant, they were for the most part unaccustomed to concerted action on a large scale. In 1861 they found themselves suddenly plunged into a situation that called for organization and cooperation, and they did not know how to organize. It is true, as Ashe says, that "the patriotism of the people was equal to every demand made upon it,"[17] but it is also true that their efficiency in meeting the demands was not equal to their patriotism. In a few communities women organized sewing societies, knitting associations, hospital aid societies, and nursing clubs, and performed invaluable services.[18] But their numbers were never large; there was no sustained supervised organizations under expert leadership and official patronage as were afterwards effected during the World War. In patriotic fervor, in willingness to sacrifice, to endure, and to serve, the women of the Confederacy may fearlessly challenge comparison with their granddaughters of the latter struggle; but they lacked the capacity to organize and the habits of cooperation that made the work of the latter so much more efficient and effective.

The same thing to a less extent was true of the men behind the lines. They worked, sacrificed, and served to the extent of

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[17] *History, op. cit.*, II, 771.

[18] Hill, D. H., "The Women of the Confederacy," *Publications of the North Carolina Historical Commission, Bulletin* 16, p. 15.

their ability, but as individuals rather than as a community. To have mobilized the strength of the whole population for war in 1861, as was afterwards done in 1917, it would have been necessary to overcome not only great physical obstacles but, what was far more difficult, to change the habits of generations. That this was not done may be attributed not to any inherent qualities of the people, but to lack of unity in their social structure.

CHAPTER XXXIII

PREPARATIONS FOR WAR

"We are all one now," said John A. Gilmer, staunch Unionist, to George Howard, equally staunch Secessionist, when they heard the news of the firing on Sumter and Lincoln's call for troops. After the adoption of the Ordinance of Secession, all factions in North Carolina agreed to bury their differences and unite in defence of the state. Everywhere there was sincere rejoicing in this new-found unity of parties that had been fighting each other for a generation. The Secessionists were in the saddle, and the Unionists were in apparent harmony with them. Seemingly by the determined action of the southern states a new nation had been brought into being, and North Carolinians professed themselves happy that at last action had put an end to debates that had grown tedious. If in some hearts there lingered regrets for the old Union, such regrets were sternly repressed by the psychology of the situation.

The coalescing of the political and social forces in the state was accelerated by the practical problems that confronted North Carolina as a member of the Confederacy. For it was clear by May, 1861, that peaceable secession was an impossibility. The United States government already had plans under way for a blockade of all southern ports and for an invasion of southern territory not only by Federal forces, but also by volunteers from the states remaining in the old Union. The struggle was to be literally a war between the states. North Carolina had taken her place by the side of her southern sisters and was prepared to throw her whole strength to their defence. She went out of the old Union reluctantly; she went into the new Confederacy with enthusiasm.[1]

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[1] The literature on the subjects dealt with in this chapter is voluminous. Some of the most important secondary works are: Ashe, *History of North*

THE MILITARY MACHINE

In May, 1861, immediately after passing the act calling a convention, the Legislature, in anticipation of the Convention's action, adopted the necessary legislation for the defence of the state. It authorized the governor to enlist and organize ten regiments of state troops for the duration of the war, and 50,000 volunteers for twelve months service. All officers of the state troops, and the general officers of the twelve-months volunteers, were to be appointed by the governor; but the volunteers were to elect their own company officers, by whom the field officers were to be chosen.

The organization of the volunteers was entrusted to the adjutant-general of the state, Colonel John F. Hoke, but the act providing for the ten regiments of state troops required the appointment of a special adjutant-general for them. For this office was selected Colonel James G. Martin, a graduate of West Point and a one-armed veteran of the Mexican War. In July, 1861, Adjutant-General Hoke resigned his office to become colonel of the Thirteenth Regiment of volunteers, and Governor Clark appointed General Martin to succeed him. In September the Legislature ratified the appointment. To meet the initial expenses of raising and organizing the troops provided for, the Legislature in May authorized the issuance of bonds to the amount of $5,000,000.

The die was now cast and North Carolina set herself grimly to the problem of turning a peace-loving agricultural community into an armed military camp. To the governor's call for

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Carolina, II, 586-1012; Hill, *North Carolina in the War Between the States*, 2 v. (carries the story through the battle of Sharpsburg); *Confederate Military History*, vol. IV; Spencer, *Last Ninety Days of the War in North Carolina;* Sprunt, *Chronicles of the Cape Fear River, 1660-1916;* Dowd, *Life of Zebulon B. Vance;* Moore, *Conscription and Conflict in the Confederacy;* Owsley, *State Rights in the Confederacy;* Fox, *Regimental Losses in the American Civil War; North Carolina Regiments, 1861-1865*, 5 v., edited by Walter Clark; *Five Points in the Record of North Carolina in the Great War of 1861-1865; Biographical History of North Carolina*, 8 v., edited by S. A. Ashe.

troops, volunteers responded in large numbers. Training camps were promptly established at convenient places in the state, and all available West Pointers were called into service to turn thousands of plow-boys and clerks into soldiers. Among the first colonels commissioned were D. H. Hill, George B. Anderson, W. D. Pender, and Junius Daniel, all former soldiers of the United States army and all destined to high rank and fame in the Confederate army.

The First North Carolina Regiment was organized by Colonel D. H. Hill at Camp Mangum at Raleigh on May 11; by May 21 it had reported for duty at Richmond and was on its way to Yorktown to join Colonel Magruder's forces, which were guarding Richmond against attack by way of Fortress Monroe. By May 22 the Second Regiment, trained at Garysburg by Colonel Sol Williams, another West Pointer, was also on its way to Richmond. Early in June the Third Regiment under Colonel Pender, and the Fourth under Colonel Daniel, joined the army defending the capital of the Confederacy. Back in North Carolina, in training camps at Raleigh, Warrenton, Ridgeway, Halifax, Garysburg, Company Shops (now Burlington), and Asheville, hundreds of raw recruits were being rapidly organized into companies and regiments, and as fast as possible shipped away to points of danger, some to Virginia, others to the North Carolina coast.

The war spirit was abroad in the land, and everybody felt its stimulus. Few there were who understood the tragedy of it all, and thousands of splendid youths left their homes for the battlefields of Virginia in the spirit of a holiday excursion. Military trains rushing men and supplies to points of concentration were packed with soldiers until they literally hung out of the car windows and precariously clung to the tops of coaches. Civil engineers newly turned into army officers busied themselves with laying out fortifications, and slaves were drafted to assist the soldiers in erecting the works. Army inspectors moved in and out of camps and forts, following the time-worn custom of army inspectors everywhere in bawling out newly commissioned lieutenants for ignorance of regulations they had never heard of before. Quartermasters scoured the towns and countryside in

search for arms, food and clothing; prices sky-rocketed under the impulse of quick government buying; the millenium seemed to have come to the farmer, the manufacturer, the merchant, and the laborer. There were boom times in the summer of sixty-one![2]

Under the genius of Hoke and Martin, recruiting, drilling, organizing, and purchasing all took form. The $5,000,000 authorized by the Legislature was quickly spent, and on May 27 the governor notified the Convention that another issue of bonds to the amount of $6,500,000 was imperative to meet the first year's war expenses. Politicians who but a week before had shouted themselves hoarse with joy at the adoption of the Ordinance of Secession were startled by these figures into a realization that secession was apt to prove an expensive luxury. Nevertheless, though dismayed at the mounting costs of even the preliminaries of war, the lawmakers resolutely stuck to their task of finding the ways and means of equipping and supporting the men who had joined the colors. The chief means which they hit upon was to shift as much of the burden as possible to the Confederate States government.

At a secret session held early in June, the Convention appointed Thomas Ruffin and William A. Graham a committee to confer with President Davis relative to the transfer of North Carolina's military and naval forces to the Confederacy under the provisions of an act of the Confederate Congress. Davis declared that the Confederate government would accept the ten regiments of state troops and six regiments of the twelve-months volunteers, four of which were already in the field, but that in the future all general and staff officers must be appointed by the President. A similar disposition of the state's naval forces was proposed. Ruffin and Graham thought the proposition unconstitutional and so reported to the Convention, but that body, faced by the enormous expense of the war if North Carolina continued to support her own troops, took no official notice of their opinion. On June 27 the Convention adopted an ordinance to carry the arrangement into

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[2] Hill, *North Carolina in the War Between the States*, I, 63.

effect.[3] Within seven months after her secession North Carolina had turned over to the Confederate government 40,000 men, armed and equipped for service.

This however was but the beginning, for throughout the war the most insistent call of the Confederacy was for men, first as volunteers, later as conscripts. The great majority of North Carolina troops were volunteers. Of the total of 125,000 enrolled in the various branches of the service during the war, only 18,585 were conscripted. On November 19, 1864, the adjutant-general made the following report of the various classes of troops furnished by North Carolina up to that date:[4]

Number of troops transferred to the Confederate service	64,636
Number of conscripts to September 30, 1864	18,585
Number of volunteers since date of original rolls	21,608
Number in unattached companies and in regiments of other states	3,103
Number of regulars in state service	3,203
Total offensive troops	111,135
Junior Reserves	4,217
Senior Reserves	5,686
Total number troops in active service	121,038
Home Guard and Militia	3,962
Total in state and Confederate service	125,000

[3] Battle, "Legislation of the Convention of 1861," (*James Sprunt Historical Monographs*, No. 1, 106.)

[4] These are the figures given by Vance in his address on "The Last Days of the War in North Carolina," in Dowd's *Vance*, 491. See also *Five Points in the Record of North Carolina*, which adds 1,000 home guards to Vance's figures, pp. 74-75. North Carolina also furnished to the Federal armies, 3,146 white and 5,035 negro troops. Hamilton, *Reconstruction in North Carolina*, 34.

In 1860 the total military population of North Carolina was only 115,369!

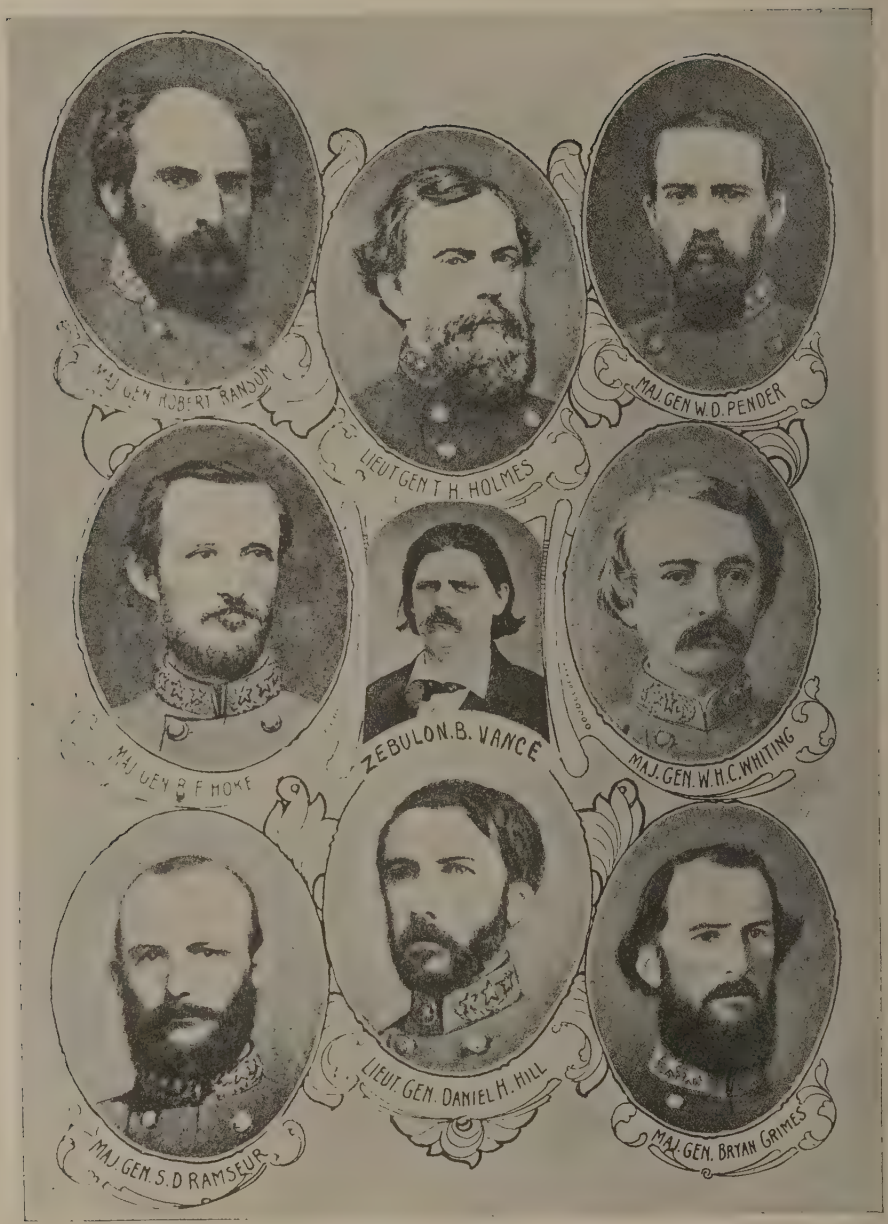
With the tightening of the organization of the Confederate armies after 1862, distinctions between volunteers, state troops, and Confederate troops quickly disappeared. Time after time North Carolina was called upon to send troops raised for her own defence to swell the army in Virginia. North Carolina's offensive troops were organized into seventy-two regiments, besides three regiments of Junior Reserves and five regiments of Senior Reserves.

There were but few trained officers in the state in 1861, and the majority of those who commanded her troops had to be trained in the regiments. In the First North Carolina Regiment, for instance, were trained five generals, and seven officers of the general staff, fourteen colonels, ten lieutenant colonels, eight majors, twelve adjutants and ten other staff officers, fifty-seven captains, and eighty lieutenants.[5] Altogether North Carolina furnished the Confederacy with two lieutenant generals—T. H. Holmes and D. H. Hill; eight major generals—Robert Ransom, Matt W. Ransom, W. D. Pender, R. F. Hoke, W. H. C. Whiting, Bryan Grimes, Stephen D. Ramseur, and J. F. Gilmer; and twenty-six brigadier generals.

During the first months of the war, North Carolina undertook to organize a navy. The state purchased three small gunboats, and later added six others. This litttle fleet, jocularly called "the mosquito fleet," operated in the sounds and off the coast of the state and captured sixteen merchant vessels before it was destroyed. North Carolina also contributed her full quota of officers and men to the Confederate navy. Notable among her naval officers were Captain J. W. Cooke of the ram *Albemarle,* Captain J. N. Maffit of the cruiser *Florida,* and Captain James Iredell Waddell of the cruiser *Shenandoah.*

Captain Waddell's career in the *Shenandoah* was unique. From October, 1864, to August, 1865, he cruised in the Pacific and Arctic oceans, where he destroyed more American commerce than any other Confederate ship except the *Alabama.* During

[5] Hill, *North Carolina in the War Between the States,* I, 61.


MAJ. GEN. ROBERT RANSOM
LIEUT. GEN. T. H. HOLMES
MAJ. GEN. W. D. PENDER
MAJ. GEN. B. F. HOKE
ZEBULON B. VANCE
MAJ. GEN. W. H. C. WHITING
MAJ. GEN. S. D. RAMSEUR
LIEUT. GEN. DANIEL H. HILL
MAJ. GEN. BRYAN GRIMES

GOVERNOR VANCE AND THE NORTH CAROLINA GENERALS

these months he was completely out of touch with either the United States or the Confederate States, and it was not until August 2, 1865, that he learned of the downfall of the latter and the cessation of hostilities. Anxious to avoid falling into the hands of the United States, he made his way to Liverpool, still flying the Confederate flag, and there on November 6, 1865, turned his ship over to the British government. Since October, 1864, he had cruised 52,000 miles, and from March to November had not dropped anchor.[6] The *Shenandoah* was the only vessel to carry the Confederate flag around the world.

THE MEDICAL AND HOSPITAL SERVICE

The medical and hospital service of the state was organized by Dr. Charles E. Johnson of Raleigh. On May 16, 1861, in anticipation of the secession of the state, Governor Ellis appointed Doctor Johnson surgeon general of the North Carolina troops. When the state military organizations were transferred to the Confederate government, Surgeon General Johnson had in operation a general hospital at Raleigh, three field hospitals in Virginia, and wayside hospitals at Weldon, Tarboro, Goldsboro, Raleigh, Salisbury, and Charlotte. He had laid in a supply of drugs and surgical instruments, and had organized a nursing service. In 1862 the Confederate government took over all military hospitals and the President appointed Dr. Peter E. Hines as Confederate surgeon general and medical director of North Carolina. Doctor Johnson thereupon resigned his office under the state. In 1863 Governor Vance appointed Dr. Edward Warren surgeon general for North Carolina. Among his duties he was especially charged with the supervision of the medical supplies brought in through the blockade.[7] All told North Carolina imported in blockade runners 500 sacks of coffee for hospital use and $50,000 worth of medicines "at gold prices." These supplies were shared with the hospitals of other states.

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[6] Ashe, *History*, II, 1012.

[7] Article by Peter E. Hines in *North Carolina Regiments, 1861-1865*, IV, 624-30.

Contributions of the Confederate Women

There was no concerted effort to organize the women of the state for war work during the Civil War as was afterwards so effectively done during the World War. Consequently, while their contributions to the Confederacy were very great, they were made, except in rare cases, by individuals rather than by organizations.[8] As individuals they stimulated enlistments; they knitted socks, made shirts and underclothing, and turned carpets into blankets, for the soldiers; they embroidered flags; they assumed the supervision of farms, stock, and slaves; and where there were no slaves they tilled the soil and harvested the crops with their own hands; and they nursed the sick and the wounded. Unfortunately no records of their work were kept and it is impossible to arrive at any definite idea of the extent of their contributions.

But not all their contributions were made as individuals. In many communities they organized sewing societies, knitting associations, hospital aid societies, and nursing clubs. Committees of their sewing societies and knitting associations passed from house to house distributing cloth to be made into garments and yarns to be knit into socks for the soldiers. Perhaps their greatest organized service was in the care of the sick and wounded. Women nurses following the tide of battle passed from field hospital to field hospital. Several women achieved distinction as head nurses of the general hospital at Raleigh; while representatives of their organizations were untiring and effective in ministering to sick and wounded soldiers at the wayside hospitals established at railroad junctions. Moreover they met troop-trains and from their household supplies added to the meager rations of the passing soldiers.

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[8] For an excellent account of the contributions of southern women to the Civil War see D. H. Hill's address on "The Women of the Confederacy" at the unveiling of the monument to the North Carolina Women of the Confederacy at Raleigh, June 10, 1914. *(Bulletin No. 16, Publications of the North Carolina Historical Commission).*

DISAFFECTION IN THE RANKS

As the enthusiasm of the early days waned under the blight of war's grim realities, the Confederate and state governments were both called upon to deal with desertions on a large scale. Desertion became a problem as early as the spring of 1862; a year later it had become a menace. The problem centered largely in North Carolina, not because North Carolina soldiers were less loyal to their colors than other soldiers, but because of the proximity of the state to the Confederate armies in Virginia and Tennessee, coupled with its comparative freedom from invading armies and the ease with which deserters could hide and maintain themselves in the coves and among the hills of the mountain section. The mountains of North Carolina became the refuge of deserters and men seeking to avoid conscription from practically every state in the Confederacy.

This is not to say that North Carolina did not contribute her full quota, and it is with North Carolina alone that we are here concerned. Desertion in the Civil War was a more serious problem than it was in the Revolution. There were many reasons for this fact. The average Confederate soldier resented the Conscription Act of 1862, not merely because of provisions which he considered unfair, but as a breach of faith on the part of the Confederate government. In May and June, 1861, he had entered the army in a spirit of high patriotic adventure; in May and June, 1862, when his term of enlistment expired, he found himself held there by compulsion. Many a soldier who was perfectly willing to remain with the colors if only he were allowed a brief visit home to make necessary provisions for his family was denied the privilege of a furlough which he felt that he had earned; the only alternatives offered him were "voluntary" reenlistment, or conscription. It was inevitable that this policy, however necessary, should arouse resentment and disappointment, and that these sentiments of the soldiers should be shared by their families at home. As the war, which the soldiers had been taught to believe would be of short duration, dragged along into the second, and then into the third year, the disaffection was

heightened by the feeling of war-weariness and, especially after Vicksburg and Gettysburg, by a conviction of the utter futility of further sacrifice.[9] There were those, too, who did not fail to instill into the Confederate soldier the idea that he had been dragged away from home and family and forced into a war waged in behalf of interests that were not his own.

No man in North Carolina was so closely in touch with popular sentiment as Governor Vance. He had every means of gauging the heart-beat of the masses that anybody else had, besides which he kept in intimate touch with the people through an enormous correspondence. Literally hundreds of letters from every section of the state and every class of the people—rich and poor, literate and illiterate, civilian and soldier, Secessionists and Unionists, men and women—poured into his office, and notations on them in his own hand shows that he carefully read and pondered them. In September, 1864, he wrote to David L. Swain, to whom he often poured out his most intimate thoughts and feelings, a long letter in which occurs the following passage: "The great *popular heart* is not now, and never has been in this war. It was a revolution of the *Politicians*, not the people; and was fought at first by the natural enthusiasm of our young men, and has been kept going by state and sectional pride, assisted by that bitterness of feeling produced by the cruelties and brutalities of the enemy."[10]

But neither pride nor bitterness could always hold the soldier to his colors when his military duty was thrown into the scale against his duty as husband and father. "Towards the close of the war, as the lines of communication in the Confederacy were more and more broken the ability of the public and of friends to feed the needy became less and less and as food grew scarce in various sections many of the poorer soldiers were driven to despair by a knowledge that their loved ones were starving at home. When furloughs were refused, some of these

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[9] Vance, "Political and Social South during the War," in Dowd's *Vance*, 446-48.

[10] Quoted in Spencer's *Last Ninety Days of the War in North Carolina*, 27-28.

men, even splendid soldiers, went home without furloughs. Technically they were deserters, but really they were fathers gone mad."[11] But the knowledge that they would be treated as deserters if they returned to the army induced many such a soldier to become a deserter in fact.

To make matters worse, there were those in the state, who, for political reasons, fanned the embers of discontent in the army and among the people. The political harmony so loudly proclaimed in 1861 turned out to be on the surface only, and by 1862 an active anti-administration party, under the leadership of Holden, had come into being. Holden bitterly criticised the Davis administration, declared the war a failure, and demanded immediate peace and the restoration of the old Union. Attacks on the Confederate administration, shrewdly calculated to arouse disaffection in the ranks and among the families of the soldiers, filled the columns of the *Standard*. Holden accused the administration of sacrificing the interests of North Carolina to those of Virginia; of distrusting the loyalty of North Carolinians because they had joined the secession movement reluctantly; of enforcing conscription in North Carolina more rigorously than elsewhere; of always putting North Carolina soldiers "in the forefront of the hottest battles"; of waging the war in the interest of the slaveocracy at the expense of the common people; of turning a deaf ear to the people's cry for peace. The *Standard* never referred to the supporters of the administration except as "Destructives."

High officials in the Confederate government, including the President, too often furnished ground for some of these charges, and their general attitude toward North Carolina gave point to them. Holden warned the President that unless justice were done the state by the Confederacy, "she will leave it, and endeavor to take care of herself," and he told the people that the only way to obtain peace was for them to take the authority into their own hands. To arouse them to this point he organized "peace meetings" in every section of the state, sent them for adoption resolutions drafted in his own office denouncing the

[11] Hill, "The Women of the Confederacy," *op. cit.*, 12.

Confederate government, and week after week filled his paper with accounts of these meetings as expressive of the popular will.[12] The *Standard* was circulated widely in the state and among the soldiers, and company commanders soon began to notice that after each issue there were always new gaps in their ranks. So serious did the situation become that suggestions were made to Governor Vance that Holden be arrested for treason, but Vance wisely refused to make him irresistible by making him a martyr.

In the spring of 1862 soldiers were deserting singly and in two's and three's, but by summer they were going off in squads, taking their arms with them. Certain counties, especially those in which Holden's influence was strongest, gave them welcome and protection. By the end of the summer deserters were numerous in Randolph, Chatham, Catawba, Yadkin, Iredell, Forsyth, Guilford, Madison, and Wilkes. In Wilkes they organized a regiment of about 500 men for self-defence, and in that and the surrounding counties were so powerful that it was necessary to dispatch regular Confederate soldiers thither to prevent their obstructing the voting in the gubernatorial election in August.[13] The situation became so bad that a special military district was created in western North Carolina under the command of Brigadier General Robert B. Vance, brother of the governor, and several regiments were employed there to hold the deserters in check.

The state administration was ready at all times to cooperate with the Confederate administration in every legal and proper way in dealing with the problem; but cooperation was difficult because the two governments approached the problems from different angles and neither had any great confidence in the solution offered by the other. To the Confederate War Department the deserter was a criminal who should be forcibly brought back to his post and punished, to Governor Vance he was merely an "absentee" who should be persuaded to return to his duty; to

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[12] See Roberts, A. S., "The Peace Movement in North Carolina," *Mississippi Valley Historical Review*, XI, 2.

[13] Ashe, *History*, II, 776.

the former, every man of proper age who was not in the army was presumably an evader of military duty and by failure to enlist had sacrificed his title to consideration, to the latter he was a citizen who had a constitutional right to have his liability to conscription passed upon by the properly constituted judicial authority.[14]

In his message to the Legislature of 1863, Vance said: "The most serious evils which our generals have to contend with are the inefficient execution of our conscript law and the alarming increase of desertion. This ought not to be suffered to continue—and it can be prevented by a little prudent legislation. With the consent of the highest military authorities, I propose to give the absentees from the army, by proclamation, thirty days in which they can return without punishment."[15] Accordingly on January 23, 1863, he obtained a general order pardoning all soldiers absent from their companies without leave who should return by February 10, and the next day issued his proclamation. The response vindicated his policy. Deserters responded in large numbers. Many a soldier who had gone home without leave, for what seemed to him a higher call than military duty and had hesitated to return for fear of being treated as a deserter, hurried to take advantage of the governor's offer. A few days after the publication of the proclamation, Vance wrote privately that "absentees" were passing through Raleigh every day literally by the hundreds on their way to Virginia. A report was received from the Sixty-first North Carolina Regiment that the regiment was "some two hundred stronger than some months ago; Governor Vance's proclamation has brought in a great many stragglers, deserters, or other absentees that never would have otherwise come in."[16]

Unfortunately the improvement was temporary. Controversy arose between Vance and the War Department. The Department declared that Vance had stretched his powers and

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[14] See letters to Jefferson Davis, Oct. 25, 1862 in Dowd's *Vance*, 73-75, and to Sec. of War Seddon, May 22, 1863, *ibid*, 82-83.

[15] Ashe, *op. cit.*, 807.

[16] *Ibid, loc. cit.*

made promises that the military authorities could not countenance, and Vance accused the Department of breaking faith with the soldiers and thus undermining their confidence in him. The evil, therefore, continued to grow and during the latter part of 1863 and throughout 1864 the North Carolina mountains swarmed with deserters and evaders of conscription. Throughout the war they remained a serious menace to the unity and military success of the Confederacy.

ELEMENTS OF DISCORD

The Confederate administration was inclined to saddle the responsibility for this situation upon Governor Vance. Despite the fact that the conscription acts were more thoroughly enforced in North Carolina under Vance's administration than in any other state, Vance's insistence that the Confederate government should respect its own laws, as well as those of the state, kept him continuously in hot water with the administration at Richmond. Jefferson Davis distrusted Vance's loyalty and persistently misinterpreted his motives. He could not see that Vance was doing his best to make an unpopular law palatable to the people of the state in order that he might enforce it; every objection that Vance filed to an impolitic or illegal act of a Confederate conscript officer, and every criticism he made of Davis's policies with regard to North Carolina, were interpreted in Richmond as an effort to throw a monkey wrench into the machinery of enforcement and obstruct the administration in the prosecution of the war. And this in face of Vance's most earnest protestations to the contrary. Not only his numerous public utterances and acts, but also his intimate, confidential correspondence reveals the sincerity of his purpose to promote the success of the Confederacy. On February 9, 1864, he wrote to Davis a protest against the proposed act to suspend the privilege of the writ of *habeas corpus* in North Carolina, saying: "Though you express a fear in your last letter that my continued efforts to conciliate [the people] were injudicious, I cannot yet see just cause for abandoning them. Perhaps I am unduly biased in my judgment concerning a people whom I love and to whom I owe

so much. Though I trust not. Our success depends not on the numbers engaged to support our cause, but upon their zeal and affection. Hence I have every hope in persuading, not one in *forcing,* the sympathies of an unwilling people."[17]

The conscription acts were extremely unpopular in North Carolina. The state's ablest lawyers, including Graham, Vance, and Chief Justice Pearson, believed them unconstitutional. The people thought them harsh and unjust; they considered their enforcement provisions as an invitation to political favoritism and military oppression; they strongly felt that their exemptions were flagrantly unfair to the masses upon whom fell the brunt of the war, and they were not slow in making known their opposition. They not only objected to the principle of conscription, but they resented the discriminations which they believed Confederate officers made against North Carolina in their enforcement of the law. Holden told them that while the law was laxly enforced in other states, North Carolina was "raked for conscripts as with a fine-tooth comb"; Governor Vance considered the enforcement in North Carolina as "ruthless and unrelenting"; and some basis was given him for this belief by the President's own confession, in 1863, that the state was "far ahead of all others in the number [of troops] raised under the conscript law."[18]

Vance thought that a law so harsh and unpopular could best be enforced by officers who had the people's confidence; he objected, therefore, to the appointment of officers from other states to enforce the law in North Carolina; and he protested against the selection for that purpose of "West Point generals, who . . . ride rough-shod over the people, drag them from their homes, and assign them, or rather *consign* them to strange regiments and strange commanders, without regard to their wishes or feelings."[19] Such sentiments aroused no sympathy at Richmond. "The jails and the prisons throughout the land," writes a former Confederate officer, afterwards a distinguished jurist,

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[17] Printed in Dowd's *Vance,* 91-93.

[18] Vance to Seddon, Jan. 26, 1863.—Dowd, *Vance,* 76-77.

[19] Vance to Davis, Oct. 25, 1862.—*Ibid,* 74.

"were filled with the unhappy victims of the scheme. Detectives, special guards, even blood hounds, were all employed in the search, and railroad conductors and other trainmen were authorized to inspect their trains and to arrest and deliver to the military authorities all between the prescribed ages who could not show furloughs or passports."[20]

The Confederate administration took the position that the conscript officers were the proper judges of whether an individual was subject to conscription; Vance contended that this was a matter for the courts, and he insisted that military officers should respect their decisions. The secretary of war, well known to be but the mouth piece of the President, complained of the pernicious influence of Chief Justice Pearson, whose action in sustaining the privilege of the writ of *habeas corpus* in cases of persons arrested by military officers was bitterly resented at Richmond. Secretary Seddon demanded that Vance should make an effort to restrain "the too ready interposition of the judicial authority in these questions of military obligation," but Vance very properly declined to interfere with the functions of "that coordinate branch of the Government which intrudes upon nobody, usurps no authority, but is, on the contrary, in great danger of being overlapped and destroyed by the tendencies of the times."[21] On two occasions he issued orders to the militia officers forbidding them to arrest any man as a conscript or deserter who had been discharged by writ of *habeas corpus* issued by any judge of competent jurisdiction, and, further, "to resist any such arrest upon the part of any person not authorized by the legal process of a court having jurisdiction in such cases."[22]

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[20] W. A. Montgomery, "Relations between the Confederate States Government and the Government of North Carolina,"—*Proceedings of the North Carolina State Literary and Historical Association*, 1913. (Bull. No. 15, Publications of the North Carolina Historical Commission, 52.)

[21] Moore, *Conscription and Conflict in the Confederacy*, 187.

[22] Dowd, *Vance*, 84. The best account of the conflict between the Confederate States government and the North Carolina state courts is Professor J. G. de R. Hamilton's article, "The North Carolina Courts and the Confederacy" in *North Carolina Historical Review*, vol. IV, no. 4, Oct. 1927.

Although determined to uphold the civil courts in the exercise of their constitutional functions, Vance was anxious in every proper way "to assist the War Department in maintaining the efficiency of our armies and of avoiding conflict with the local authorities." Since the Confederate administration, through the secretary of war, had questioned the jurisdiction of "the cantankerous Chief Justice of the supreme court"[23] of North Carolina, in cases arising under the conscription acts, Vance expressed his determination to "endeavor to get an authoritative decision of the Supreme Court of this State, . . . in regard to the question of jurisdiction involved; and whilst declining to admit that the construction of an executive bureau must take precedence of the decisions of the supreme judicial tribunals of a State, in the matter touching the liberty of a citizen, I yet would gladly receive any suggestions as to the means of avoiding such alternative, and of settling the difficulty temporarily or permanently."[24] But the only solution of the problem that occurred to the President was the suspension of the great writ, which brought a vigorous protest from Vance,[25] and although Congress passed the act suspending the writ, the President wisely refrained from exercising the power thus conferred upon him.

Vance's attitude in this matter subjected him to much criticism at the time, and that criticism has been echoed since by historians who made no effort to understand the situation with which he had to deal. He himself, and the people of North Carolina generally, never had any doubt of the correctness of his course. In his speech on "The Political and Social South during the War," delivered in Boston in 1886, while exonorating Jefferson Davis from any intention to abuse his powers, Vance said:

I believe when you view these things dispassionately and calmly you will feel bound to give proper credit to both Confederate and State authorities for their efforts during all the

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[23] Moore's phrase in *Conscription and Conflict*, 187.

[24] To Seddon, May 22, 1863.—Dowd's *Vance*, 82-83.

[25] To Davis, Feb. 9, 1864.—*Ibid*, 91-93.

confusion of those unhappy times to preserve both the essence and the forms of personal liberty under the strongest temptations to disregard them. . . . From September, 1862, to May, 1865, I was Chief Magistrate of the State of North Carolina; and when eleven years afterwards I was again inaugurated Governor for the third time, the proudest boast which I could make in regard to my previous service was that during my administration the old legal maxim *inter arma silent leges* was expunged, and in its place was written *inter arma leges audiebantur*. The laws *were* heard amidst all the roar of cannon. No man within the jurisdiction of the State of North Carolina was denied the privilege of the writ of *habeas corpus*, the right of trial by jury, or the equal protection of the laws, as provided by our constitution and the bill of rights.[26]

There were also serious conflicts between the state and the Confederate administrations over the question of conscripting state officers. On this vexatious question, Vance stated his position in a letter to the commander of conscripts, March 20, 1863:

Zealous as I have been and continue to be in the enforcement of the law, I cannot permit my own officers to be conscripted. The ground I shall assume is, that all State officers and employees necessary to the operation of this government—of which necessity I must judge—shall not be interfered with by the enrolling officers and any attempt to arrest such men will be resisted. This I deem not only necessary to the due administration of the government, but due the rights and dignity of the Sovereign State over whose destinies I have the honor to preside."[27]

The Problem of Equipment

In the early days of the war men were to be had in abundance; indeed, they volunteered in such large numbers that hundreds were turned away by recruiting officers, who had their pick of the flower of the youth of the state. What was needed in 1861 was equipment. Arms in sufficient quantities to fit out the volunteers were not to be had, and time was needed to erect

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[26] Dowd's *Vance*, 452-53.

[27] Quoted by Montgomery, *op. cit.*, 53.

arms factories. The immediate need in May, 1861, was partially met by the capture of the United States arsenal at Fayetteville, which was seized by state troops on April 22 despite the fact that at that time North Carolina had not seceded from the Union. From the arsenal the state procured 37,000 stand of arms, a battery of field pieces, a small supply of powder and other military stores, and machinery for the manufacture of the munitions of war. Of the muskets thus acquired, 10,000 were promptly turned over to Virginia for her troops, and a smaller number to other states. The remainder were used to arm the North Carolina troops. Another small supply was obtained through an appropriation of $200,000 made by the Legislature for the purpose; the agents of the state scoured the southern markets, but with meager results since military supplies were as scant in other southern states as in North Carolina.

Not only was there a shortage of arms, but the great majority of those available were out-of-date. Many of the muskets found in the Fayetteville arsenal were flintlocks which dated as far back as the Revolution. As soon however as workmen could be found who knew how to operate the machinery taken with the arsenal they were put to work changing the locks on those old guns. Ordnance officers of the state scraped together from every possible source a large quantity of shotguns and squirrel rifles, but the calibres of these guns varied so greatly that they were useless until they could be refashioned. One of the regiments sent to defend Roanoke Island was armed with squirrel rifles; its artillery consisted of small cannon mounted on farm-wagon wheels. Infantry companies were sent to Virginia without rifles and artillery companies without cannon, literally to wait until arms could be purchased for them, or captured from the enemy.[28]

In the meantime the state was straining every energy to manufacture the necessary equipment and supplies. A powder mill was erected at Raleigh; and to the machinery in the arsenal

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[28] Ashe, *History*, II, 709, 773-74. Hill gives a very full discussion of the problems of equipment in his *North Carolina in the War Between the States, passim.*

at Fayetteville, the Confederate government afterwards added that captured at Harper's Ferry. The Fayetteville plant became one of the most important arsenals in the Confederacy. It continued in operation until burned by Sherman in 1865. Besides the public munitions plants, private factories were encouraged to manufacture rifles. One firm in Guilford County turned out ten thousand. The state also established factories for the manufacture of cartridges, swords, sabres, bayonets, and powder. Rifles were made at Jamestown, in Guilford County, and at Asheville; sabres at Raleigh, Kenansville, and Wilmington; bayonets at Raleigh and Kenansville; rifle stocks at High Point; shells at Raleigh, Wilmington, Fayetteville, and Charlotte; powder and percussion caps at Raleigh; cartridge paper at Raleigh, Fayetteville, and Lincolnton; knapsacks and canteens were made at many points because their manufacture did not require special machinery. Pistols were being made at New Bern when that city was captured in 1862. In the manufacture of munitions the state established a sulphuric acid plant at Charlotte in connection with the Southern Chemical Works, and another factory at Salisbury.

The South was even worse off for artillery than for small arms. Besides some old cannon seized when Forts Caswell and Macon were captured, which of course had to be left in the forts, the artillery with which North Carolina entered the greatest war of the nineteenth century consisted of four old smooth-bore guns, purchased by the state from military schools at Hillsboro and Charlotte, and six antiquated guns found in the Fayetteville arsenal. The churches gave their bells, which were cast into cannon. On the blockade-runner, *Modern Greece*, which was grounded off Fort Fisher in 1862 to avoid capture by Federal gunboats, but whose cargo was salvaged by the Confederates, were found four rifled cannon. They were mounted at Fort Fisher, which guarded the harbor of Wilmington, and were very effective because of their long range. With them the fort forced the Federal fleet to move its blockading lines farther away from the inlets and thus facilitated the operations of the blockade-runners. Later the Confederate government took three of these guns for use in Virginia.

It was not sufficient to arm the troops, they must also be clothed. At the outbreak of war there were in North Carolina only thirty-nine cotton mills and nine woolen mills, and yet in this respect North Carolina was better off than any of her sister Confederate states. The output of these mills was not sufficient to supply the state clothing factory at Raleigh in cloth for uniforms. In countless homes the women took down their old spinning wheels and hand looms to supplement the output of the factories. One of the chief difficulties in running the factories, and even the spinning wheels and hand looms, was the shortage of tools, belts, oil, wire, and other material for their equipment. For generations the South had been dependent upon the North for such things. It was impossible to find in the South the materials with which to make the ordinary hand cards used in preparing cotton and wool for spinning. North Carolina had to purchase these cards, and the wire for repairs and for making new ones, from England. Among the supplies brought through the blockade by the state were 60,000 pairs of hand cards; upon the announcement in the state papers that a blockade-runner had safely entered the harbor of Wilmington, Governor Vance would be flooded with requests from women in every section of the state for these articles. As an example of some of the basic needs in home manufacture and supplies the following items are taken from the first order sent to the state's agent in England: woolen cloth, flannel, shoes, socks, blankets, leather, buttons, buckles, tape, shoe-thread, spool-thread, letter paper, steel pens, pencils, tin plate, sheet iron, oil, belting, wire, dye-stuff, shafting, card-cloth, bolts, and files.[29]

One lasting and beneficial result of this situation somewhat compensates for the temporary inconveniences and sufferings. It stimulated the inventive genius of the southern people and revealed to them a mechanical capacity which they did not know they possessed. Speaking to a New England audience in 1886 on the "The Political and Social South during the War," Vance said:

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[29] Hill, *op. cit.*, I, 120.

You can scarcely imagine the feeling which comes to a people when isolated as we were, and shut out from communication with all the world. A nation in prison we were, in the midst of civilized society, and forced to rely exclusively upon ourselves for everything. When the war began, with the exception of a few cotton and woolen mills and the crude establishments common to all plantations and villages, we were utterly without manufactures of any kind. . . . But the land was full of resources, and the raw material for the manufacture of all that we needed. And strange as it may appear to you, it was full of mechanical capacity to deal with this material. . . . Cotton and woolen mills quickly sprang up and the capacity of existing ones was enlarged. Foundrys for casting cannon, shops for making fire arms, swords and bayonets, and mills for making powder were set up in abundance. Shoes and blankets were made by the hundred thousand, and transportation wagons and camp equipages of all kind soon supplied the demand. . . . The situation called into active use all the mechanical talent of our people. The village or cross-road blacksmith refurnished his shop and made tools and agricultural implements for his neighbors; the shoemaker, the cooper, the wheelwright, and the tanner, all sprang into sudden importance. Even the druggist compounded from the wondrous flora of the country substitutes for nearly all the drugs of commerce, which if not so efficacious were at least more harmless than the genuine article. The devices and expedients adopted in all the industries, the social and domestic departments of our daily life, were most ingenious, though sometimes ludicrous.[30]

This revelation of mechanical capacity was undoubtedly an important factor in the industrialization of the South after the war.

North Carolina was the only one of the Confederate states that undertook to clothe her own troops. To this end General Martin established a state factory at Raleigh and not only bought up the entire cloth output of the other factories in North Carolina but sent his agents into the other states of the Confederacy to buy cloth. Later he secured large quantities of cloth through the blockade. Blankets for the troops were supplied largely from the homes of the people. They cut up their carpets and lined them with cotton flannel to turn them into blankets, while

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[30] Dowd's *Vance*, 453-54.

many a patchwork quilt found its way into the blanket-roll of a soldier. Early in the war friction arose between state officials and Confederate officials through competition in the market for cloth. To remedy this situation the state of North Carolina entered into a contract with the Confederate government by which they agreed that the former should clothe her own troops and turn any surplus over to the latter, and that the Confederacy should not compete with the state for supplies within the bounds of the latter. However, before the war was over the Confederacy was compelled to alter the terms of this agreement. But throughout the war North Carolina managed to clothe her own troops and to furnish large quantities of clothing to the Confederate government.

The efforts to sustain the army strained the resources of the state to their utmost. All semblance of luxury quickly disappeared. Such supplies of coffee, tea, and sugar as could be procured were sent to the soldiers in the hospitals and substitutes were found for home use. Parched corn and parched potato cubes took the place of coffee on the tables of the well-to-do, yaupon leaves served for tea, and molasses, or "long sweetening," as it was called, was made to do for sugar. As the normal supply of the necessities of life diminished the people came more and more to rely on the precarious supply brought through the blockade.

Running the Blockade

As Vance expressively stated it, the blockade of the southern ports made the Confederacy "a nation in prison." But the prison doors were not always firmly secured and the prison walls were sometimes easily scaled. In the early months of the war it was impossible for the United States navy to maintain a close blockade of the entire 3000-mile coast line of the Confederate States, and the Confederates had little difficulty in exchanging their products, especially cotton, tobacco, and naval stores with foreign traders for all sorts of supplies. From the records available it is impossible to estimate with any accuracy the extent to which the business of running the blockade supplied the Confederacy. The records for North Carolina, however, are suffi-

cient to show its magnitude and importance. Wilmington was the last port in the Confederacy to be closed and through it passed millions of dollars worth of supplies for the Confederate armies in Virginia.[31]

The sand banks, shoals, capes, and intricate system of inlets made the North Carolina coast particularly difficult to blockade successfully. Wilmington was an ideal port for blockade running; located twenty-eight miles from the ocean, it could not be

FORT FISHER, "THE GIBRALTAR OF AMERICA"

attacked by a fleet until the forts at the mouth of the Cape Fear River had been reduced. Moreover, the river opened to the sea by two channels, one to the east, called New Inlet, the other to the south, called Old Inlet. New Inlet was guarded by the powerful earthwork fortifications of Fort Fisher, proudly called by the Confederates "the Gibraltar of America," and by Fort Anderson across the river, and Old Inlet was guarded by Forts Caswell and Campbell. The direct line between the openings at

[31] For fuller accounts of blockade-running at Wilmington see Hill, *op. cit.*, I, ch. X, and Sprunt, *Chronicles of the Cape Fear River*, 268-500; also his "Tales of the Cape Fear Blockade," *(N. C. Booklet*, Feb. 1902.)

the two inlets was only six miles, but lying between them were the Frying Pan Shoals, the point of which is Cape Fear, jutting twenty miles out to sea. A fleet, therefore, guarding the entrances to the two inlets had to cover an arc of fifty miles, off one of the most dangerous points along the Atlantic coast. The blockade runners of the Civil War, like the pirates of colonial times who found here one of their favorite refuges, could pick their chances of running in and out of the double entrance under the protecting guns of the forts. Before the war was over, the Federals were employing upwards of fifty vessels in their attempt to close the two entrances.

Since cotton could be bought cheaply in Wilmington and sold high abroad, it offered a tremendous temptation to merchants both at home and abroad to finance blockade runners to take out cotton and exchange it for all kinds of supplies needed in the Confederacy. The profits on a single trip often mounted to as high as $150,000. The services of highly skilled seamen, both native and foreign, were easily procured, for their pay and bonuses ran into the thousands of dollars on a successful trip. Loading at Wilmington, the blockade runners would attempt to dash out at night through the encircling Federal fleet and if successful speed away to Bermuda, 570 miles off the Carolina coast, or to Nassau, 100 miles farther south. There they found great depots of supplies from which they would load for the return voyage. On approaching the Cape Fear they would strike the coast some forty miles above or below the inlets and watch their chance to slip in under the guns of the forts. Of course they were not always successful; at least sixty-five ships engaged in the business were captured or sunk by the Federal fleet. But the profits were well worth the risks. All told blockade runners brought into the port of Wilmington upwards of $65,000,000 worth of goods, at gold prices—enough to maintain 60,000 men in the field and to keep factories running to supply thousands of others.

At first General Martin bought supplies for the state from private concerns engaged in running the blockade, but with characteristic foresight he saw that the state could secure what she needed more effectually and more economically by engaging

Capture of the Lillian

in the business on her own account. Accordingly he laid before Governor Clark a plan for sending an agent to England, buying a ship, and putting the state in the blockade running business. But the scheme met with opposition from the governor's political advisers and he declined to adopt it. In September, 1862, Vance became governor and entered whole-heartedly into Martin's plans. He procured from the Legislature an appropriation of $2,324,000 and authority to borrow money and secure credit in England upon state warrants payable in cotton and rosin which the state undertook to furnish. He sent John White to England as the state's agent to purchase a ship for running the blockade and to start the business. Later other agents were sent to work out the details and assist White. White made a contract with the firm of Alexander Collie and Company of London through whom the great bulk of supplies brought into North Carolina through the blockade were purchased.

With White went Captain Thomas M. Crossan, an experienced seaman, who was to command the ship which White was to buy. White found under construction in the Clyde River "a long-legged steamer,"[32] called the *Clyde*, which was just suited for his purpose. Accordingly he purchased it for the state. As Captain Crossan turned her prow toward America, he exclaimed, "Ad Vance," and this pun suggested the new name which she henceforth bore, *Advance*.[33] The *Advance* with a cargo of supplies direct from Liverpool reached the Cape Fear and ran the blockade July 3, 1863. Afterwards she plied between Wilmington and Bermuda. She sat low in the water, had a light draft so she could easily slip over the bar at the mouth of the Cape Fear, and could develop tremendous speed. Her bunkers were large enough to carry a supply of hard coal sufficient for a trip to Bermuda and return. This coal steamed easily, increased the ship's speed, and reduced her visibility because it made little smoke. In all the *Advance* made eleven successful trips. As she was entering Wilmington harbor on the eleventh trip she was

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[32] Vance's phrase, Dowd's *Vance*, 454.

[33] This is the explanation that Vance gives in a private letter to Mrs. Spencer.

THE ADVANCE

overhauled by the Confederate cruiser *Tallahassee* which, being in need of fuel, took the *Advance's* extra supply of hard coal. Consequently on her next voyage out she had to burn North Carolina soft coal, an inferior fuel, which steamed slowly, reduced the ship's speed, and gave a trail of smoke by which she was easily discovered and captured. She had however paid for herself many times over. The state also owned part interest in the *Don,* the *Hansa,* and the *Annie Laurie,* while Alexander Collie and Company ran the *Edith,* the *Pet,* and the *Constance* to carry in state goods and take out cotton and rosin.

Governor Vance took a deep personal interest in this business and always regarded its success as one of the chief achievements of his administration. In an address on "The Last Days of the War in North Carolina," delivered in Baltimore in 1885, he thus summed up the results:

> Large quantities of machinery supplies, 60,000 pairs of handcards, 10,000 grain scythes, 200 bbls. blue stone for the wheat growers, leather and shoes for 250,000 pairs, 50,000 blankets, gray woolen cloth for at least 250,000 suits of uniforms, 12,000 overcoats (ready made), 2,000 best Enfield rifles (with 100 rounds of fixed ammunition), 100,000 pounds of bacon, 500 sacks of coffee for hospital use, $50,000 worth of medicines at gold prices, large quantities of lubricating oils, besides minor supplies of various kinds for the charitable institutions of the state. Not only was the supply of shoes, blankets and clothing more than sufficient for the supply of the North Carolina troops, but large quantities were turned over to the Confederate government for the troops of other states. In the winter succeeding the battle of Chickamauga I sent to General Longstreet's corps 14,000 suits of clothing complete. At the surrender of General Johnston the state had on hand, ready made and in cloth, 92,000 suits of uniform, with great stores of blankets, leather, etc. To make good the warrants on which these purchases had been made abroad, the state purchased and had on hand in trust for the holders 11,000 bales of cotton and 100,000 barrels of rosin. The cotton was partly destroyed before the war closed; the remainder, amounting to several thousand bales, was *captured* after peace was declared by certain officers of the Federal army.[34]

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[34] This address is printed in full in Dowd's *Vance,* 463-93.

On the records of this business which have been preserved over $12,000,000 worth of state business is accounted for. Of this about $6,000,000 worth of goods were resold to the Confederacy. Thomas D. Hogg, quartermaster general of North Carolina, reported to Governor Vance in 1865 that he was feeding one-half of Lee's army, largely by means of food brought through the blockade. The soldiers nicknamed the bacon, which was rationed out to them, "Old Nassau," from the depot at Nassau from which it came.

Blockade running, practical and romantic at the same time, not only supplied the army, but also caught the imagination of the people and stimulated their morale. It kept the factories going, it supplied the women with implements and materials for clothing their families, and furnished tools and fertilizers for the farmers. It not only reduced the prices of the necessities of life, but was also immensely profitable to the state and thus tended to reduce taxes somewhat. North Carolina hailed Vance as the savior of his people.

In the early days of the war the Confederate armies in Virginia drew immense quantities of supplies and provisions from eastern North Carolina. After that section was overrun by the Federal forces in 1862, the supplies brought in through the blockade somewhat made up for the shortage. These supplies were sent to Lee's army over the Wilmington and Weldon Railroad. The importance of this railroad and later of Wilmington, accordingly, was recognized by both Federal and Confederate commanders. One of the objects of the Federal expeditions to eastern North Carolina, in 1861-1862, was to capture the Wilmington and Weldon Railroad. Later in the war General Grant and Admiral Porter saw clearly that they could strike Lee no more effective blow than by the capture of Wilmington, or by cutting his line of communication with that port; and Lee, himself, warned the defenders of Forts Fisher and Caswell that if those forts fell he would be compelled to abandon his defense of Richmond. The Federal authorities, therefore, set out early in 1861 to accomplish this object in a series of campaigns that did not culminate until the fall of Fort Fisher and the capture of Wilmington in 1865.

CHAPTER XXXIV

BEHIND THE LINES IN THE SIXTIES

On May 21, 1861, the day after the adoption of the Ordinance of Secession, Jonathan Worth expressed the opinion that the union of political parties in the Convention was "but a feigned alliance."[1] The truth of his observation was soon apparent. North Carolinians would not give up their favorite sport even with the enemy thundering at their gates, and former party alignments reappeared when the Convention came to elect representatives to the Provisional Congress of the Confederacy. However, as the pressure of the war raised new issues, the old parties soon gave way to new political groupings. Evidence of them may be found in the debates and votes in the Convention, the Legislature, and Congress; in private letters and diaries; in the utterances of public meetings; and most of all in the press. For despite the efforts of the militarists to control or suppress the expression of opinions contrary to their views, the press and speech remained free in North Carolina throughout the war. Out of these war time political controversies there emerged three distinct political parties—the Confederate party, the Conservative party, and after 1863 the Peace party.

The War Time Parties

The Confederate party, to a large extent, but not entirely, was identical with the former Democratic party. It was the party that had invoked and cheered on the secession movement, had formed the Confederacy of the Cotton States as a result of the first secession, had set up the new government at Montgomery, and had induced the border states to leave the Union in the second secession of May, 1861. The Confederates endeavored

[1] Letter to James B. Troy, Raleigh, May 21, 1861. Hamilton (ed.), *Correspondence of Jonathan Worth*, IV, 150.

at first to retain their old name of Democrats, but finding it inadvisable, dropped it for their new name; their opponents called them the "Destructives." They were characterized by their zeal, not so much for the rights of the individual states, as for those of the newly founded Confederacy. In the early days of the Confederacy, they talked a good deal about the compact of sovereign states, and in the new Constitution carefully defined the rights of the states and restricted those of the central government. But no sooner were the issues of the war drawn than they forgot their earlier love of state rights and zealously supported the Confederate government in policies that contravened every principle on which they had founded it. To attain military success, they were quite willing for it to override the state legislatures, to suspend the privilege of the writ of *habeas corpus*, to put the states under martial law, and even to make the President a military dictator. Their chief organ in the Confederacy, the Richmond *Enquirer*, set forth their views in the following paragraph:

> All laws ought to be silent except military laws. We regard all judges and courts, State and Federal, all Congresses and Legislatures as a nuisance, save in so far as they help us to strengthen the hands of the Commander in Chief of the Confederacy. . . . There is no interest or institution in the country worth mentioning now except the army. The government of the Confederacy is the government of the army; and no citizen has any rights which can interfere with or impede its efficiency.[2]

As the creators and, therefore, the natural guardians of the Confederacy, the leaders of the Confederate party bitterly resented any criticism of their handiwork and denounced the efforts of their opponents to gain political control through the ordinary instruments of government as offering aid and comfort to the enemy.

The Conservatives were in the majority in North Carolina throughout the war.[3] Before the great schism they had been in

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[2] Quoted by the Raleigh *Standard*, July 24, 1863, and cited by J. G. de R. Hamilton, "North Carolina Courts and the Confederacy," in *North Carolina Historical Review*, vol. IV, no. 4, October, 1927, 375-76.

[3] Spencer, *Last Ninety Days of the War in North Carolina*, 18-19.

the main Union Whigs, but as the war dragged along into its second and third years they received great accessions from those who had lost faith in the leadership of the Secessionists. Originally opposed to secession, they were realists enough to know that once in the war the only hope of the South lay in victory. The most ardent Confederates, therefore, were not more determined to prosecute the war to a finish than were the Conservatives. But the latter could see no more reason for surrendering the sovereignty of the states and the rights of the citizen to the Confederate government than to the United States government, and they opposed in state legislative bodies and in the Confederate Congress every proposal looking to that end. To the Conservatives, test oaths, sedition laws, the suspension of the privilege of the writ of *habeas corpus*, martial law, the suppression of freedom of speech, and military dictatorships were all anathema, regardless of by whom attempted, or for what purpose. They were determined to be free, not only in the end but also in the means.

The North Carolina Conservatives nursed a long list of grievances against the Confederate administration. They charged it with unfair and unjust discriminations against North Carolina (1) by harboring suspicions of the loyalty of "the great body of our people . . . because of the reluctance with which they gave up the old Union"; (2) by "a studied exclusion of the anti-secessionists from all the more important offices of the government, even from those promotions in the army which many of them had won with their blood"; (3) by a more "ruthless and unrelenting" enforcement of conscription in North Carolina than in any other state; (4) by repeated violations of the rights of the individual citizen by arbitrary arrests and imprisonment by military officers, often in defiance of the decrees of North Carolina courts; (5) by the appointment of officers from other states to command the North Carolina conscripts and collect the Confederate tithes in the state; and (6) by failure to make due effort to protect the state from invasion.[4] These grievances were aired

[4] Vance thus sums up the grievances of the Conservatives in a letter to Jefferson Davis, dated at Raleigh, February 9, 1864—Dowd, *Life of*

in public and in private with great acrimony, and the discussion convinced the majority of the people that their state was nothing better than the proverbial stepsister in the family of the Confederacy; the fact that many of these grievances were ill-founded did not rob them of their appeal to the war-wearied masses. Nevertheless, with one exception, no responsible Conservative leader ever entertained a thought of deserting the family.

The exception was Holden. In the summer of 1863, becoming convinced that the continuance of the struggle for southern independence was hopeless, Holden attempted to commit the Conservative party to a policy of peace and the restoration of the Union. At first he urged that peace be made through the medium of the Confederate government, but failing to get the necessary response, shifted his demand to peace by separate state action. Defeat, he declared, was certain, and defeat meant the emancipation of the slaves and the ruin of the South; but much might be saved by a negotiated peace on the basis of the dissolution of the Confederacy and the restoration of the seceded states to their former places in the Union. It was best that the negotiations be made by the Confederate government, but since President Davis stubbornly refused to move, the sensible course for North Carolina to take was to make a separate peace. "North Carolina," he argued, "very reluctantly followed her compatriots of the Southern States in resisting the authority of the Union. The chief corner stone of the Confederacy was the right of secession. North Carolina, therefore, was a sovereign state, and had a right to do whatever she deemed best for the protection and prosperity of her people."[5] On this point, he broke with the Conservative party in 1863 and organized his followers into a new Peace party which supported him for governor in 1864.

Zebulon B. Vance, 91-93. See also W. W. Holden's *Memoirs*, 23, and Spencer's *Last Ninety Days of the War*, 14-15.

[5] W. K. Boyd, "William W. Holden," in *Trinity College Historical Society Papers*, Series III, 66-78.

Politics in the Convention

Party lines were drawn when the Convention came to elect delegates to the Provisional Congress of the Confederacy. Both the "old Unionists" and the "original Secessionists" nominated tickets. The latter, in the majority in the Convention, won in the election of delegates at large, choosing W. W. Avery, an extreme Secessionist, and George Davis, a former Whig who was now acting with the Secessionists. The relative strength of the two groups was better shown in the election of the district delegates; the Secessionists carried five, their opponents four of the districts.[6]

When the Legislature met in August, the Convention having in the meantime ratified the permanent Constitution of the Confederate States, a slight Conservative reaction was observable. In the election of Confederate States senators, the Conservatives supported George Davis, because of his former Whig affiliations, and by combining with the moderate Secessionists elected him over three secession Democrats. For the second senatorship, they helped to elect W. T. Dortch, a moderate secession Democrat, over Avery and Clingman, both "original Secessionists." By the time the Presidential election came around in November, two parties, the Confederate party and the Conservative party, were definitely in the field. Although both favored the election of Davis and Stephens, yet for party reasons they put out separate electoral tickets. The ticket of the Confederate party won by a vote of 27,077 to 18,919. There were several changes made in the congressional delegation, but the relative strength of the two parties remained the same.[7]

It was the last victory of the Confederate party, for the political trend in North Carolina thereafter was against it. This trend first manifested itself in the Convention. Instead of adjourning after adopting the Ordinance of Secession and ratifying the Confederate Constitution, the Convention determined to

[6] K. P. Battle, "Legislation of the Convention of 1861," in *James Sprunt Historical Monographs*, No. 1, 126.

[7] Ashe, *History of North Carolina*, II, 661.

continue in session. The Secessionists, who were in control, felt that the existence of war might make certain legislation necessary that was beyond the constitutional power of the General Assembly. The Convention, accordingly, held four sessions between May 20, 1861, and May 13, 1862. Much of its time and attention was taken up with political matters. Gradually the conservative element, mainly old Whigs and Unionists, wrested control from the Secessionists. Since the Legislature elected in 1860 was Democratic and secessionist, the Conservatives in the Convention seriously considered dissolving the Legislature for the period of the war. Although this was not done, the Convention did assert its superior power over the Legislature, by changing the time of its meeting, and by repealing or modifying some of its acts.[8] On May 13, 1862, the Convention adjourned subject to the call of President Edwards, with the provision that if he did not call it together by November 1, the adjournment should become *sine die*. Since Edwards was a Democrat and an ardent Secessionists, he persistently declined to call the body in session and on the date fixed by itself it passed out of existence.

Before taking leave of the Convention, one of its most creditable actions should be noted. It will be remembered that in the struggle in the Convention of 1835 over the Thirty-second Article of the Constitution, dealing with the religious qualifications for office, all that the liberal element could accomplish was to remove the disqualification of Catholics. The Constitution still disqualified all who "denied the divine authority of either the Old or the New Testament," and "the truth of the Christian religion." In 1861 the alacrity with which Jews responded to the call of the state for troops and for funds greatly modified the popular prejudice against them and induced the Convention to strike out the word "either" in the above phrase and substitute for it the word "both," thus performing a tardy act of justice to one of the most intelligent and patriotic groups of the citizenship of the state.[9]

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[8] Battle, "Legislation of the Convention of 1861," *op. cit.*, 105.

[9] Battle, *ibid*, 103-104.

The Election of 1862

Governor Ellis died July 7, 1861, and Henry T. Clark, by virtue of his office as speaker of the Senate, assumed the duties of the governorship. Like Ellis, Clark was a Democrat and an ardent Secessionist, and, therefore, was not acceptable to the newly organized Conservative party. An effort was made, accordingly, by some Conservative politicians to induce the Convention to declare the office of governor vacant and to fill it with a Conservative incumbent; the effort of course failed, but the Convention did adopt an ordinance providing that the candidate chosen in August, 1862, should be inaugurated in September instead of in January following, as provided by law.

In the election of 1862, the military situation in North Carolina proved a serious handicap to the Confederate party. Beginning with the capture of the forts that guarded Hatteras Inlet, August 29, 1861, Federal forces had quickly overrun eastern North Carolina, completing their conquest of that section with the capture of New Bern, March 14, and of Fort Macon, April 26, 1862. These disasters created widespread disaffection in the state with the Confederate administration, while the terrible slaughter in the battles of the Peninsula campaign in May and June brought home to hundreds of humble North Carolina families their first experiences of the realities of war. Moreover, the first Conscription Act, passed by the Confederate Congress in April, became effective during the political campaign and aroused a great deal of opposition. The Confederate administration, therefore, was not popular in North Carolina in the summer of 1862; the masses were beginning to lose faith in the political leaders in the state who had so glibly promised a short and triumphant war.[10] The ground was well prepared for a political revolt, and there were plenty of shrewd politicians in the state who were perfectly willing to lead it. Chief of these was Holden, who had already become a caustic critic of the Confederate administration.

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[10] Vance, "Political and Social South During the War," in Dowd's *Vance*, 447.

An effort to avoid a political campaign, sponsored by the *State Journal,* organ of the Confederate party, was frustrated by the *Standard.* The issues between the "original Secessionists" and the "old Unionists" had never been presented directly to the people, and Holden was anxious to make the election of governor turn on them. No nominating conventions were held, and the candidates were selected and presented to the voters by the party organs. The Confederate press agreed on William Johnston, a railroad executive of Mecklenburg County, an original Secessionist, and an ardent pro-administration man.[11] The Conservative press, after failing to induce William A. Graham to run, determined on Zebulon B. Vance, an old line Union Whig and at the time of his nomination colonel of the Twenty-sixth North Carolina Regiment, with a fine military record. Vance was Holden's candidate, but Holden, wishing to avoid the implications that the association would inevitably raise, privately suggested that Vance's name be first presented to the public by the Fayetteville *Observer.*[12]

Neither candidate took the stump, Johnston remaining in his railroad office, Vance in camp with his regiment. But the editors waged a campaign of extraordinary bitterness. The press was about equally divided, eleven papers supporting Johnston, ten supporting Vance.[13] The Confederate party attempted to saddle Vance with Holden's anti-administration views, but at no time did Vance utter a syllable to indicate that he agreed with them. On the contrary, the only political statement he made during the campaign, a letter to the Fayetteville *Observer* expressing his willingness to accept the office of governor if elected, showed a radical disagreement with the views of his sponsor. In that letter he said:

Believing the only hope of the South depended upon the prosecution of the war at all hazards and to the utmost extremity so long as the foot of an invader pressed Southern soil, I took the

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[11] For a good sketch of Colonel Johnston see *Biographical History of North Carolina,* vol. I, 341-49.

[12] Holden, *Memoirs,* 21-22.

[13] For a list of the papers that supported each candidate see Hamilton's *Reconstruction in North Carolina,* 40-41, note.

field at an early day, with the determination to remain there until our independence was achieved. My convictions in this regard remain unchanged. In accordance therewith I have steadily and sincerely declined all promotion save that which placed me at the head of the gallant men whom I now command. A true man should, however, be willing to serve wherever the public voice may assign him. If, therefore, my fellow-citizens believe that I could serve the great cause better as Governor than I am now doing, and should see proper to confer this great responsibility upon me without solicitation on my part, I should not feel at liberty to decline it, however conscious of my own unworthiness. . . .

Sincerely deprecating the growing tendency towards party strife amongst our people, which every patriot should shun in the presence of the common danger, I earnestly pray for that unity of sentiment and fraternity of feeling which alone, with the favor of God, can enable us to prosecute this war for liberty and independence against all odds and every adversity, to a glorious and triumphant issue.[14]

Despite this plain statement, and despite his military record, no sooner was Vance's name mentioned than the pro-administration press launched against him one of the bitterest campaigns ever waged against a candidate for governor in North Carolina. The least of their charges was that he was the "Yankee candidate." "We shall expect soon to hear," declared the *Iredell Express*, "that the *Standard's* ally at New Bern has nominated Colonel Vance;" and the Raleigh *Register* called upon the people to "Remember that if Zebulon Vance shall be elected governor, the Yankees will claim it as an indisputable sign that the Union sentiment is in the ascendancy in the heart of the Southern Confederacy."[15]

No more mischievous political blunder was ever made in the history of North Carolina than this portrayal of Vance as Holden's man Friday, whom Holden would be able to use as a tool to embarrass and obstruct the Confederate government. Mischievous because, although no word or act of Vance's, either

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[14] Printed in full in Dowd's *Vance*, 67.

[15] Quoted in Ashe's *History*, II, 738. The "*Standard's* ally at New Bern" meant Edward Stanly, whom Lincoln had recently appointed "Governor of North Carolina," with headquarters at New Bern. See *post*, 242.

before or after election, justified any such characterization, yet its constant repetition by the pro-administration party convinced Jefferson Davis that it was true and became the basis of his suspicion of Vance's loyalty and his distrust of Vance's motives. But the people of North Carolina had no such suspicions, and registered their confidence in him in no uncertain terms; in a civilian vote of 74,871, they gave him a majority of 33,975, while in the army the soldiers piled up a vote of two to one in his favor.

Vance's election did not mean that the Union sentiment, in the sense of disloyalty to the Confederate States, was in the ascendancy in North Carolina. The great majority of those who voted for him both in the army and out of it, knew that he was thoroughly committed to a fight to the finish. On May 4, 1861, two weeks before the adoption of the Ordinance of Secession, he had organized a company at Asheville, calling itself "The Rough and Ready Guards," and had it ready for service when the call for troops was issued. In the fall of 1861 he was elected colonel of the Twenty-sixth North Carolina, the most famous regiment in the service of the state, if not of the Confederacy, and he led that regiment through the thickest of the fighting in the New Bern campaign and in the Seven Days battles around Richmond.[16] When the term for which his men had volunteered was about to expire in the summer of 1862, he called them together, laid the situation before them, told them frankly "that there was a long and terrible war before them; hardship and suffering and death for most of them; that no man could foresee the end—but that their country needed them and its cause would be lost without them."[17] These sentiments he repeated to the state at large in his letter to the Fayetteville *Observer* quoted above. His position, therefore, was well known to the people of North Carolina, and no man had any excuse for voting for him in the expectation that he would not support the Confederate cause to the utmost of his ability. Although his election was a repudiation

[16] See Dowd's *Vance*, chs. VI-VII.

[17] Vance, "Political and Social South During the War," in Dowd's *Vance*, 452.

by the people of the leadership of the Confederate party, and a protest against the secession movement into which they had been dragged against their will, it was, at the same time, their way of saying that since they were in, they would see it through to the bitter end.

Vance's election carried with it a Conservative Legislature. Although not a member, Holden dominated its proceedings. He had a very definite plan to weld together all the disaffected elements into a strong anti-administration party, and he characterized all who opposed his scheme as "Destructives." Under his manipulation, the two Houses organized along strictly party lines, and then swept the state administration clean of "Destructive" office-holders. Conservatives displaced Democrats in all the state offices and a solidly Conservative Council of State was elected. William A. Graham, leader of the Conservative party in the Convention, was elected to the Confederate Senate to succeed George Davis, whose term would expire in May, 1864. Moreover, Holden was rewarded with the office of state printer —the most lucrative position within the gift of the Legislature.[18] His selection signified that the Conservative party had accepted the *Standard* as its official organ.

War Finances and Taxation

Before Vance's election the army had been thoroughly organized and in the state, except for questions arising out of conscription and desertion, military problems had become secondary to economic and social problems. The support of the military establishment and the care of the destitute families of soldiers taxed the resources of the people to the utmost. It was to these problems that Vance gave his chief attention and it was his success in dealing with them that so thoroughly endeared him to soldiers and civilians alike.

At the time of her secession, North Carolina's public debt amounted to $11,119,500, contracted for the most part for internal improvements. During the war, this form of indebtedness was increased to $12,738,500. But the burden of carrying it did

[18] Hamilton, *Reconstruction*, 46.

North Carolina Civil War Money

not fall very heavily upon the people because as an offset the state held $9,297,664 in corporation stocks and bonds.

The war called for military expenditures in excess of anything conservative North Carolina had ever dreamed of, and both debt and taxes accordingly mounted rapidly with no offsets. Both the Convention and Legislature dealt with financial matters. Together they authorized the issuance of bonds to the amount of $13,131,500 and treasury notes in various denominations to the amount of $20,400,000. Some of the bonds were never sold, some were redeemed during the war, and others were held in the sinking fund; at the close of the war there were bonds outstanding to the amount of $9,119,000. Of the treasury notes authorized, $8,507,847.50 were issued, but $3,261,-511.25 were subsequently withdrawn from circulation, leaving outstanding $5,246,336.25. To the outstanding bonds and treasury notes must be added unpaid interest and other similar debts, which brought the total war debt of the state up to $16,596,-485.61. In addition to the state debt, there was a county debt, contracted primarily to aid destitute families of soldiers, estimated at $20,000,000.

The rapid expansion of the currency brought of course equally rapid depreciation; by November, 1864, a state bond for $100 was worth only $7.40 in gold and a Confederate bond only $4. Not only were the private resources of the people invested in these securities, but also the endowments of their public institutions and the capital of their public service corporations, and all shared in the financial ruin that came with the downfall of the Confederacy. The Literary Fund and the endowment of the State University were swept away in the crash. At the end of the war, the banks of the state held all told only $800,000 in specie.

In 1860-61 the state's revenues from taxation were only $712,977.12. This of course was entirely inadequate in war times and taxation accordingly was greatly increased. Between 1861 and 1864 the tax on real estate was increased from one-fifth of one per cent to one per cent. It was also necessary to seek new sources of revenue. The Convention amended the Constitution to provide for the *ad valorem* taxation of slaves, and

taxes were levied on inheritances of over $100, and on incomes. From increases and from new taxes the revenues were more than doubled in amount, but as they were paid in depreciated state and Confederate currency their value in specie fell one-third in 1862, and one-half in 1863.[19]

The financial legislation of the period was complex, "not because it was part of an elaborate financial scheme, but from its numerous contradictions, its multiplicity of acts, and its slipshod methods. But at the same time it must be remembered that it was not the work of trained financiers but of unskilled men who were suddenly compelled to make bricks without straw. The fact that two separate bodies were enacting financial legislation at the same time was also, in part, a cause of lack of method. One thing can be said of it—it bears eloquent witness to the confidence felt in the state officers."[20]

Besides heavy state taxes there were the even heavier Confederate taxes. The Confederate government taxed all agricultural products and salt, wine and liquor eight per cent, and all moneys and credits one per cent. It levied an occupation tax ranging from $50 to $200 on practically all business houses, and a sales tax from 2½ to 20 per cent. Hotels were taxed from $30 to $500, and theatres $500. Salaries from $1,000 to $1,500 paid an income tax of one per cent, and those above $1,500 two per cent. There was a sales tax of ten per cent on all staple food supplies. Finally there was the tax in kind—the least productive and the most burdensome and unpopular of all the Confederate taxes. Every farmer, after reserving from twenty to 100 bushels of his products, according to its kind, was required to deliver ten per cent of the remainder at the most convenient railroad station for the use of the Confederate government. Such records as we have of payments of this tax show that by June, 1864, North Carolina had delivered to government agents 3,000,000 pounds of bacon, 70,000 tons of hay, 770,000 bushels of wheat, and other produce valued at $150,000. The people of

[19] Hamilton, *History of North Carolina*, 51-54.
[20] Hamilton, *Reconstruction*, 71.

North Carolina also paid in cash to the Confederate government taxes to the amount of $10,000,000.[21]

Domestic Life in War Times

By 1863, luxuries had disappeared, and the vast majority of the people were reduced to the bare necessities of life. At the outbreak of hostilities there were but few manufactories in North Carolina. It is true that between 1850 and 1860 some industrial progress had been made, but it was not adequate to supply the state with manufactured products even in peace times. For such necessities North Carolina, like the other southern states, had always looked to northern and foreign markets. After 1861, of course, the former were entirely closed to the South, while the latter were gradually cut off by the ever tightening blockade. Moreover, such factories as were in operation in the state were given over almost entirely to the production of military supplies, and the civilian population behind the lines fell back upon old fashioned domestic manufacturing, not only to meet the ordinary demands of daily life, but also to aid in supplying the troops. The South became literally a nation in arms and the spinning wheel and knitting needle of the soldier's wife and mother, the anvil of the blacksmith, the hammer and the saw of the carpenter, and the awl of the shoemaker became weapons of war quite as much as the musket and the bayonet of the soldier.

North Carolina was primarily an agricultural state and under ordinary circumstances was quite able to feed herself. But the circumstances from 1861 to 1865 were, of course, quite extraordinary. The conscription acts made no adequate provisions for the exemption of farm laborers and so stripped the state of her able bodied men that the tasks of running the farms and households fell upon old men and boys, women and children. The Confederate government depended too much upon slave labor for the cultivation of the soil, forgetful of the fact that two-thirds of the families of the South owned no slaves. In North

[21] Hamilton, *History of North Carolina*, 52.

Carolina, in 1860, 72.7 per cent of the families belonged to this class, while 18.6 per cent of the slave-owning families owned only one slave each. In a great majority of cases, therefore, when the man of the family enlisted, the family lost its laborer, and the pay of that laborer as a private soldier was never enough for his own support, even when the currency in which he received it was at its highest. For many a Confederate soldier's family starvation ever lurked just around the corner.

Inadequate transportation facilities and isolation contributed to the distress of the people. At the outbreak of the war there was in the state but one north and south railway trunk line, the Wilmington and Weldon Railroad, while the three lines, the North Carolina, the Atlantic and North Carolina, and the Western North Carolina railroads, formed together a single east and west system, connecting with the Wilmington and Weldon at Goldsboro and with the Raleigh and Gaston at Raleigh. During the war, for military purposes, a connection was formed between the North Carolina and the Richmond and Danville railroads by the construction of a line from Greensboro to Danville. Other shorter, and in some cases disconnected lines, gave the state in 1860 a total of about 900 miles of railroad. But these lines were taxed to their capacity by the military demands on them; moreover, there was no source of supply for new rails, engines, cars and other equipment, and under the enormously increased demands which the war made on them, all of them deteriorated rapidly and some of them almost ceased operations.

Consequently even when there was a surplus of food and other supplies in some communities it was almost impossible to distribute it to other communities which were in need. It is significant of transportation conditions that the quartermaster general could supply Lee's army more quickly with bacon from Nassau *via* blockade runners and the Wilmington and Weldon Railroad than he could by having it hauled from the store houses in western North Carolina. Many North Carolina communities were so isolated that they received their first information of Lee's surrender from paroled soldiers who reached home almost a month after that event. The great majority of the people, therefore, were compelled to eke out an existence as best

they could on the supplies raised in their own neighborhoods and on such articles as could be manufactured at home.

The inflation of the currency and speculation in the necessities of life sent prices skyward, despite the state's efforts to prevent it. Even in Wilmington, which, in comparison with other communities, was practically an open market, common necessities were almost unobtainable, while the price of a ham rose to $50, of a barrel of flour to $500, of an overcoat to $1,500, of a pound of tea or coffee to $100.[22] Between September, 1862, and March, 1865, the general scale of prices advanced as follows: bacon from 33 cents to $7.50 a pound; corn from $1 to $30 a bushel; eggs from 30 cents to $5 a dozen; molasses from $3 to $25 a barrel; wheat from $3 to $50 a bushel; flour from $18 to $500 a barrel; potatoes from $1 to $30 a bushel, and other commodities in like manner.[23]

To prevent scarcity of food and to keep down prices, laws were passed authorizing the governor to place an embargo on the exportation of provisions, making speculation in the necessities of life a misdemeanor punishable by heavy fines, providing for a board to fix prices, and forbidding the distillation of grain. Lack of enforcement machinery, however, made these efforts largely ineffective. The state established public salt works and sold salt to the people at cost; nevertheless salt remained exceedingly scarce and was sold at Raleigh as high as $70 a bushel. The people themselves sought various substitutes for the common articles of life. They made hats from wheat straw. They turned and re-turned, patched and re-patched their old clothes as long as they would hold together. As leather disappeared from the market, they made wooden shoes. They substituted parched corn, dried potatoes, and roasted okra seed for coffee, and the leaves of the yaupon bush, the blackberry, and the raspberry for tea; and they sweetened the drinks concocted from these substitutes with sorghum, or "long sweetening," and with

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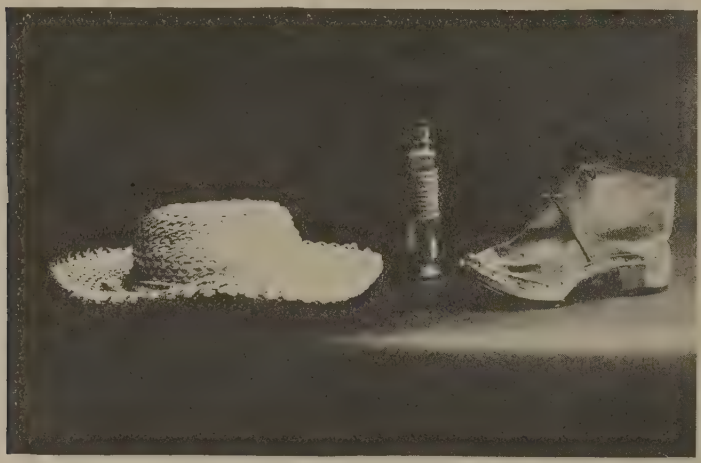
[22] Sprunt, *Chronicles of the Cape Fear*, 243.

[23] Hamilton, *History*, 47. See also A. Sellew Roberts, "High Prices and the Blockade in the Confederacy," in *South Atlantic Quarterly*, vol. XXIV, no. 2, April, 1925.

grim patriotism swore that they liked the mixture. They reopened old letters, and tore the paper from their walls for use as writing paper. They searched the woods and swamps for shrubs and herbs to use in place of the drugs which the United States government, with unheard of inhumanity, had placed on the contraband list. In a pathetic effort to preserve some of the joys of normal life, Santa Claus filled the children's stockings at



HOME MADE ARTICLES

Christmas with roasted peanuts, parched corn, and strings of popcorn; and occasionally left for some particular little favorite a doll fashioned out of a corn cob, surmounted with a hickory nut for a head, and gorgeously arrayed in a gown of corn shucks. Neither the blockade nor Sherman's "bummers" were allowed to take all the joy out of life!

RELIEF MEASURES

Relief of distress among the civilian population, and especially among soldiers' families, became one of the state's major problems at an early stage in the war. It was a problem that appealed strongly to Governor Vance. Ten days after his in-

auguration, finding the laws inadequate to meet the situation, he addressed a letter to Weldon N. Edwards, president of the Convention, urging him to call that body into session to deal with the problem. Said he: "Speculation and extortion have attained such proportions that it will be impossible to clothe and shoe our troops except at most outrageous prices. The cry of distress comes up from the poor wives and children of our soldiers from all parts of the State. It is a subject which distresses me beyond measure, the more so as I feel powerless to remedy any of these evils."[24] But Edwards was a Secession Democrat, the governor a Conservative, and by this time the Conservatives were in control of the Convention. Edwards, therefore, being "doubtful of the governor's intentions and still more doubtful of the Convention," declined to accede to the request.[25]

Vance accordingly was obliged to await the meeting of the Legislature in November before attempting any relief measures. Upon his recommendation the Legislature appropriated $500,000 to enable the governor to buy and store provisions for re-sale to soldiers' families and to the poor generally at cost. The precedent thus set was followed by subsequent sessions until all told $6,000,000 had been appropriated for relief.[26] An organization was set up in each county for this work and through these agencies relief was given beyond all calculation. Moreover, Vance appreciated the importance of helping the people help themselves. The attentive reader, therefore, will not fail to note among the things brought through the blockade in the *Advance* and other state owned vessels, along with rifles and ammunitions and uniforms, thousands of hand cards, sewing and knitting needles, spinning wheels, buttons, buckles, and grain scythes, and large quantities of bluestone for the wheat growers, dye-stuff, lubricating oil, shafting, leather, medicines,

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[24] Dowd, *Vance*, 69-70.

[25] Hamilton, *History*, 6.

[26] E. W. Sikes, "Social and Economic Legislation in North Carolina During the Civil War," in *Proceedings of the North Carolina State Literary and Historical Association*, 1915. (Bulletin of the North Carolina Historical Commission, No. 20).

and numerous other articles for ordinary household and farm use.

"I have seen," wrote Mrs. Spencer, "tears of thankfulness running down the cheeks of our soldiers' wives on receiving a pair of these [cotton or wool] cards by which alone they were to clothe and procure bread for themselves and their children. And they never failed to express their sense of what they owed to their governor. 'God bless him,' they would cry, 'for thinking of it!'"[27] If one seeks to understand the hold that Vance ever afterwards had on the masses of North Carolinians, one will find it in the solicitude which he felt for their welfare during the dark days of the Civil War, and in his success in devising and executing measures for their relief. The dozens of letters of gratitude, written all too often in the cramped, ill-formed penmanship of the semi-illiterate farm women of that period, that may still be found in Vance's official war correspondence, attest the truth of this statement. It was the ascendancy thus acquired over their gratitude that enabled Vance to hold the masses of North Carolina true to the Confederacy in the critical days of 1863-64.

The Peace Movement

There can be little doubt that most of those who opposed Vance's election in 1862 feared, and some of those who supported it hoped that under Holden's influence he would be led to favor a cessation of hostilities on the basis of the restoration of the Union, and that he would use his power as governor to effect that object. But both parties were speedily disabused by his Inaugural Address. In it he declared that secession was the result of "the deliberate judgment of our people," that the state had "accepted with the act all its inevitable consequences, a long and bloody war," that the prosecution of the war was quite as much the task of the people as of the army, and that on that point there should "be no dissenting voice in our borders."[28] The war party was delighted, the peace party, for the moment

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[27] Spencer, *Last Ninety Days of the War*, 20.

[28] Quoted by Hamilton, *Reconstruction*, 43.

at least, was flabbergasted. But for the moment only, for the experienced strategist at the head of that party had no doubt of his ability to whip into line the comparatively inexperienced young soldier-politician whom he had made governor.

After the adjournment of the Legislature in February, 1863, Holden showed his hand, cautiously at first, then more boldly as the public pulse responded to the stimulus he gave it. Before this time expressions of peace sentiment had been personal and occasional; Holden now undertook to organize it and give it official recognition. Under his guiding hand peace meetings were held openly in more than one hundred places in the state and secretly in the army. Resolutions criticising the Confederate administration and demanding peace were adopted and assiduously spread before the world in the columns of the *Standard.* Holden always denied that he had any other part in this movement than to give expression to public opinion, but the similarity in the resolutions adopted in widely scattered communities leads to the conclusion that they had a common origin, and most people believed that Holden held the pen that wrote them. At first Holden merely urged that peace negotiations be opened by the Confederate government, but failing to make any impression on President Davis, he shifted his ground to a demand for peace by separate state action.

It was at this point that the majority of the Conservatives parted company with Holden, and joined hands with the Confederate party in condemning his course. Vance, Graham, and E. J. Hale, editor of the Fayetteville *Observer,* tried in vain to induce him to alter his course. Opposition meetings were held in many places in the state, at several of which Holden was burned in effigy. The North Carolina troops in the army passed resolutions denouncing him and the peace meetings. In September, 1863, a brigade of Georgia troops passing through Raleigh destroyed the *Standard* office and threatened Holden with personal violence, from which he was saved only by the intervention of Governor Vance. The next day a Raleigh mob of peace men retaliated by destroying the office of the Conservative paper, the *State Journal;* again the governor had to intervene to prevent further violence.

In the meantime, on the peace question, Vance and Holden had been growing farther and farther apart. The former had no objection to the suggestion that the Confederate government attempt to open negotiations with the United States government; indeed, he wrote President Davis urging that this step be taken. He had no expectation of a favorable response from Washington, but he believed "if fair terms are rejected it will tend greatly to strengthen and intensify the war feeling, and will rally all classes to a more cordial support of the government."[29] To which Davis replied that he could do nothing because of the refusal of the Washington authorities to entertain such a proposition. To the plan of peace by separate state action Vance was as inflexibly opposed as Davis himself. On this question the Conservative party split into two factions—the war element, led by Vance, and the peace element, led by Holden.

Privately Vance earnestly urged Holden to desist from his peace propaganda; publicly he issued a proclamation advising the people against the peace meetings. But neither Holden nor the people took his advice. As early as June, 1863, therefore, Vance saw that a break with Holden was inevitable and began to look anxiously about for an organ representing his views. This he found in the Fayetteville *Observer*. Editor Hale, he declared, was "more nearly of my *precise stripe* politically—past and present—than any other editor in the State," while his paper had become "the undisputed organ of the war element of the old Whigs."[30] From this time forward, therefore, Vance's views on the war were expressed privately in a voluminous and illuminating confidential correspondence with Hale, and publicly in the editorial columns of the *Observer*. On July 24, 1863, Vance requested Holden to state specifically in the *Standard* "that he was not my organ on this matter [peace] and did not speak my sentiments."[31] A few days later he wrote to Hale as follows:

I believe the split with Holden is decreed of the gods. I have made up my mind to it. . . . He is for submission, recon-

[29] Vance to Davis, Raleigh, December 30, 1863—Dowd's *Vance*, 88.

[30] Vance to Hale, Raleigh, June 10, 1863. *E. J. Hale Papers* (Collections of the North Carolina Historical Commission).

[31] Vance to Hale, July 25, 1863. *Ibid.*

struction, or anything else that will put him back under Lincoln and stop the war—and, I might add, punish his old friends and colaborers. Pitch into them—cry aloud and spare not—my life —my popularity, and everything shall go into this contest.[32]

Hale thereupon said editorially:

It can no longer be doubted or denied that there is a division in public sentiment in North Carolina—on the one hand a determination to resist subjugation by the Yankee government and to achieve the independence of the Confederacy, on the other a peace party, as it is falsely called, that would be willing to have independence, but clamors for peace with or without independence.[33]

Vance, he declared, was the leader of the former, Holden of the latter.

The Campaign of 1864

Several important political changes occurred in the fall and winter of 1863-64. One of North Carolina's stock complaints against the Davis administration was that the state, despite her great military contributions, was not accorded her just weight in the affairs of the Confederacy. To meet this criticism, President Davis appointed former Governor Thomas Bragg attorney-general in his Cabinet. This silenced criticism for a while, but it did not satisfy the Conservatives since Bragg was a strong "original Secessionist." Even this representation was lost early in 1863 when Bragg resigned to become Davis's personal representative to keep an eye on the situation at Raleigh. The former criticism, accordingly, was revived and played a part in the congressional elections of 1863. These elections were the first test of the strength of the new Peace party. The Peace men carried five districts, but in each case their candidate was elected by a plurality; in a total vote of 30,641, there was a majority of 2,834 against their candidates. But this margin was too close to give much comfort to the war element in the Conservative party. Early in 1864, partly to remove the North Carolina griev-

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[32] Vance to Hale, August 11, 1863. *E. J. Hale Papers, op. cit.*

[33] Fayetteville *Observer*, August 17, 1863.

ance and partly to strengthen a rather weak Cabinet, President Davis appointed Senator George Davis, a learned and distinguished lawyer, attorney-general. Since Davis's term as senator was to expire in May, he resigned and accepted the Cabinet position. Vance wished to appoint Graham, who had already been elected to succeed Davis in the senate, to fill out the unexpired term, but for private reasons Graham declined. The governor thereupon appointed Edwin G. Reade, a strong Conservative, who served from January to May, when he was succeeded by Graham.

In the meantime the gubernatorial campaign of 1864 had opened. Early in that year the Confederate Congress passed an act suspending the privilege of the writ of *habeas corpus* in cases defined as treasonable political efforts against the Confederacy. In North Carolina this action of Congress was interpreted as a move against the Peace party and there were rumors that "certain arrests" would be made immediately. That meant Holden. Even those Conservatives most strenuously opposed to Holden's program bitterly resented the threat of martial law in North Carolina. On February 9, 1864, Vance wrote privately a strong protest to the President, advising him "to be chary" of exercising the power conferred upon him and hinting at forcible resistance if the act of Congress should be found unconstitutional and revolutionary.[34] The next day a Peace party mass meeting in Raleigh answered the challenge of the Confederate administration by nominating Holden as a candidate for governor, and on March 3 Holden announced his determination to run.[35] His platform demanded a convention of the people to consider North Carolina's relations to the Confederacy. He criticised Vance for his course in support of the war, declaring that he had deserted the party which had elected him and had "made his bed with the Destructives." The issue between him and the governor, he said, was simply war or peace; and he printed at the head of his editorial column the following:

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[34] Dowd, *Vance*, 91.

[35] Holden, *Memoirs*, 24-25.

"The Two Ways: Fight it Out. *Zebulon B. Vance, Governor of North Carolina.* 'Wisdom's ways are ways of pleasantness, and all her paths are Peace.' *Solomon, Son of David, King of Israel.*"[36]

Vance accepted the issue, and threw himself into the campaign with all his vigor. The contest was "a battle of giants. Holden was an old and experienced leader and had always been able to interpret public sentiment. And he had usually been on the popular side. But he now failed to realize how much he had helped to create and mould the peace sentiment, and, believing that it originated with the people, he thought their minds could not be turned from it. His editorials were as vigorous as ever, and were even more widely read than ever, but a new power had risen against him—the oratory of Vance. Nothing more stirring or effective was ever known in the politics of North Carolina. The people flocked to hear him, and his speeches, particularly those at Fayetteville, Raleigh, and Wilkesboro, attracted great attention."[37] He spoke also to the North Carolina troops in Virginia, and General Lee is said to have declared that his speeches were worth 50,000 soldiers to the Confederacy.

Vance's platform, "terse and vigorous," was as follows:

The supremacy of the civil over military law.

A speedy repeal of the act suspending the writ of *habeas corpus*.

A quiet submission to all laws, good or bad, while they remain on the statute books.

No reconstruction or submission, but perpetual independence.

An unbroken front to the common enemy; but timely and repeated negotiations for peace by the proper authorities.

No separate state action through a convention, no counter revolution, no combined resistance to the government.

Opposition to despotism in every form and the preservation of our republican institutions in all their purity.[38]

From this time forward, but with no change in his policy, he was the accepted leader of the war element of both parties.

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[36] Hamilton, *Reconstruction*, 61 note.

[37] *Ibid*, 60.

[38] *Ibid, loc. cit.*

At the beginning of the contest Vance thought that "the peace men really have a majority to start with but the brains are largely with us."[39] If he was right, the result was a great triumph for brains. The vote was taken in the army first and resulted in 13,209 for Vance, 1,824 for Holden. In the state Vance's vote was 58,065, Holden's 14,471. Holden carried but two counties—Johnston and Randolph. He made accusations of intimidation in the soldiers' vote and fraud in the civilian vote, but did not press the charges; and in an address to the people he pledged his support to the state and Confederate governments. It is interesting, in this connection, to read Holden's final judgment on these stirring events. Writing thirty-five years later, after he had retired forever from the strife and turmoil of politics, he said:

> I have ransacked repeatedly all the chambers of my memory in relation to these things, and I here state unreservedly that history contains no account of a people who have endured more for the sake of their principles and liberties, as they understood them, than the people of North Carolina. Modest, unselfish, brave beyond the common run of men, they have never demanded what was not by right their own, and never submitted cravenly to injustice or wrong—and with the help of God they never will! And I also state unreservedly, having said this much, that *Zebulon Baird Vance,* their leader in all these things, was and is, their foremost man in all their annals, old and new.[40]

After the election of 1864 partisan politics took a recess in North Carolina. The Legislature was in the control of Vance Conservatives. A contest occurred over the election of a senator to succeed W. T. Dortch, but as all the nominees were "Vance men" it had no especial political significance. Thomas S. Ashe, an "Old Line Union Whig," was chosen.[41] Several peace resolutions were introduced but were all defeated.

In the spring of 1865 another effort, originating this time in Richmond, was made to induce North Carolina to take steps to

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[39] Vance to Hale, September 7, 1863—*E. J. Hale Papers* (Collections of the North Carolina Historical Commission).

[40] *Memoirs,* 29.

[41] Ashe, *History,* II, 930.

make peace by separate state action. A group of Confederate States senators and congressmen, realizing that the end was near and finding that President Davis declined to consider any proposal for peace that did not recognize the independence of the Confederacy, determined to bring pressure to bear on the several states to act independently of the Confederate government. North Carolina having fewer commitments than any other state was selected to take the lead, and Senator Graham was requested to lay the proposal before Governor Vance. This he did, declaring that he could "perceive no solution of our difficulties except through the action of the states."[42] But Vance replied that if South Carolina and Alabama were whipped it was their duty to say so; that while he felt sure they would gladly take advantage of such action by North Carolina they would never cease thereafter to aver that but for her defection the Confederacy would have triumphed. He, therefore, declined to have his state "lead the roll of infamy,"[43] and the proposition fell to the ground.

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[42] Ashe, *History*, II, 986.

[43] Vance to Mrs. Cornelia P. Spencer, Charlotte, April 27, 1866.—*Cornelia Phillips Spencer Papers.* (Collections of the North Carolina Historical Commission.)

CHAPTER XXXV

FROM BETHEL TO APPOMATTOX

General Winfield Scott warned the American people that a war between the North and the South would not be a holiday affair, but would last several years, consume an immense amount of wealth, and cost many thousand lives. But the North believed the South was bluffing and the South believed the North would not fight, and both laughed at the absurdity of the old soldier's prediction. In the patriotic illusions of war fever the young men of the two sections troubled themselves little about these things. Gaily they formed their companies, proudly listened to speeches in praise of their valor, and expectantly marched away for an easy victory and a triumphant return.

In North Carolina, as in other southern states, orators whooped up recruiting with a number of favorite themes. They proclaimed the thrice-armed justice of their cause of defence against a ruthless invader. They assured the southern youth that he could whip three Yankees every morning before breakfast. They declared that cotton was so necessary to the world that the nations of Europe would quickly spring to the side of the South to assure themselves of an ample supply of that staple. They proclaimed their confidence that the old friends of the South in the North would not long be deluded by Lincoln into support of such an illegal and unrighteous war against their former brethren. Self-deluded, these leaders exchanged thinking for slogans, while the masses, carried away by patriotic enthusiasm, thought not at all.[1]

Bethel and Bull Run

The opening military events of the war seemed to justify the wild expectations of a quick southern triumph. In June, 1861,

[1] The general references for this chapter are the same as those for chapter XXXIII.

Fortress Monroe was held by 4,000 Federal troops under the command of General B. F. Butler, as a base for an advance on Richmond up the peninsula between the James and the York rivers. A small Confederate force under Colonel John B. Magruder was sent to watch Butler and resist any movement he might attempt to make. On June 10, Butler attacked Magruder's force of 1,200 men at Big Bethel and was repulsed in a sharp fight. At the most it was but an insignificant skirmish, but it aroused tremendous enthusiasm in the South, where it was accepted as proof of the superiority of the southern soldiers. Two-thirds of Magruder's men were the First North Carolina Regiment, under Colonel D. H. Hill, and upon them fell the chief fighting of the day. They acquitted themselves well for raw troops, and were publicly thanked by the Confederate Congress and by the North Carolina Convention; the Convention authorized the regiment to inscribe the word "Bethel" on its flag, and henceforth it was known as the "Bethel Regiment."

The South now looked forward with increased confidence to a victory over the Federal forces under General Irvin McDowell, which were preparing to move out of Washington upon Richmond. At Bull Run, July 21, the results justified all their expectations. The Confederates withstood the shock of the Federal assault, rallied their forces, and then hurled back the enemy in a panic upon Washington. Three North Carolina regiments participated in the victory and suffered serious losses, among the killed being Colonel Charles F. Fisher, commander of the Sixth Regiment. But the glorious results more than compensated for the losses. The South went wild with joy and confidently expected an immediate and triumphant peace.

Battles and Losses

But the result soon dispelled all illusions that the people, North and South, had held about the quickness and ease of victory. The North quickly recovered from its dismay at this initial defeat, came to a realization of the greatness of the task before it, and settled down with grim determination to see it through. The readiness and enthusiasm with which the North

sprang to arms in defence of the nation, the immensity of its resources, and the steadiness and efficiency of its preparations startled and sobered the South. Boastings of its superior prowess ceased, and the South, too, turned to preparations for war in all its deadly seriousness. The Confederacy which had set out to exhibit to the world a finer expression of a people's will in government than had ever existed elsewhere, soon became, under the impact of war, a ruthless military machine, supported by conscription and grinding up the manpower and the wealth of the people who created it. In willing subordination to this machine, at first, and in unwilling compliance with its demands as the struggle grew more and more hopeless, North Carolina mobilized her men, money, and resources and flung them into the fight as fully as if it had been of her own making.

As already stated, North Carolina contributed to the Confederate armies 111,135 offensive troops, besides 13,865 reserves and home guards. About 65,000 of the former were the initial strength of the regimental units, the remaining 45,000 were chiefly battle replacements. It is beyond the scope of this narrative to follow in detail the activities of these troops in the battles of the Civil War beyond the borders of North Carolina; that story belongs to the general history of the Confederacy. By far the greater portion of them served in the Army of Northern Virginia, but some of them were also with the Army of the West. In Virginia they were in every great battle from Bethel to Appomattox; they followed Lee into Maryland and later into Pennsylvania; and they were at Chickamauga, Lookout Mountain, and Missionary Ridge. At Bethel fell Henry Wyatt, of the First North Carolina Regiment—the first Confederate soldier killed in battle; at Appomattox General William R. Cox's brigade of North Carolina troops fired the last volley of the Army of Northern Virginia.

The valor of the North Carolina troops and the kind of service which they performed are best attested by their losses in battle. Of the Confederate dead in the Seven Days battles around Richmond, one-fifth were North Carolinians, at Fredericksburg one-third, at Chancellorsville one-third, and at

Gettysburg one-fourth.[2] Of the twenty-seven Confederate regiments listed by Colonel Fox in his *Regimental Losses in the Civil War,* as suffering the highest losses at Gettysburg, thirteen were North Carolina regiments. The Twenty-sixth North Carolina, Vance's old regiment, headed the list of casualities with over 86 per cent—the highest percentage of losses of any regiment on either side during the war. Colonel Fox places the total number of Confederate soldiers killed in battle during the war at 74,524; of this number 19,673, or more than one-fourth, were North Carolinians. Moreover 20,602 North Carolina soldiers died of disease, thus bringing the total losses of the state up to 40,275, which surpassed those of any other Confederate state.[3] Among the killed were twenty-seven majors, twenty-five lieutenant colonels, thirty-six colonels, and nine generals.[4]

The First Blow at North Carolina

North Carolina also was an important battle ground of the Confederacy. Here were fought eleven battles and seventy-three skirmishes. While the numbers engaged in these battles were small as compared with the great battles on the main fronts, the battles themselves were not unimportant in the general military situation. They were primarily holding engagements fought with a minimum of troops for the purpose of protecting the lines of communication in Lee's rear. Lee's strategy in Virginia was largely controlled by the fact that North Carolina was his chief source of supply. From Richmond to Wilmington ran the main railroad connecting him with the South. Over this railroad came most of his supplies and replacement troops. While the pressure of the fighting in Virginia often forced him to strip North Carolina of her available men, he never forgot that the life of his own army depended upon the security of his base in that state. The problem always was to hold the Federal forces in eastern North Carolina in check, to retain control of the Wilmington and Weldon Railroad, and to

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[2] Hamilton, *History of North Carolina Since 1860,* 12.

[3] Fox, *Regimental Losses,* 554.

[4] Hamilton, *op. cit.,* 7.

keep open the port of Wilmington. The Confederacy could spare few trained men for these tasks and therefore looked to North Carolina to perform them largely with her own troops. However General Lee directed the campaigns in North Carolina because they formed an integral part of his strategy in Virginia.[5]

Immediately upon her secession North Carolina began work on the fortifications along her coast. Two departments of coastal defence were created, one extending from Virginia to New River in Onslow County, the other from New River to South Carolina. General Walter Gwynn, a West Point trained engineer, was assigned to the command of the first, General Theophilus H. Holmes, who had resigned from the United States army upon the secession of North Carolina, to the second. These officers began actively to strengthen existing fortifications and to build new ones. Fort Caswell, guarding the mouth of the Cape Fear River, and Fort Macon, defending the approaches to Beaufort, both of which had been seized by the state from the United States government, were strengthened. New fortifications were erected at Ocracoke Inlet, at Hatteras Inlet, on Roanoke Island, and at various points along the shores of the Albemarle and Pamlico sounds. None of them was ever adequately equipped or manned; no long range guns and but few men could be spared for that purpose. The state also bought and manned five small steamers, afterwards increased to nine, for operations in the inland waters, each of which mounted one gun. In all, the state spent on these defences, which never served any useful purposes, $259,069.04. In July, 1861, they were turned over to the Confederate government.

During the lull on the Virginia front after Bull Run, the Federal government turned its attention to eastern North Carolina. Hatteras Inlet was the key to Albemarle Sound, and its possession would give the Federal forces command of the inland waters from Norfolk to Wilmington. Moreover these waters would afford a convenient base for the blockading fleet. Ac-

[5] For a more detailed account of the several expeditions to eastern North Carolina see Hill's *North Carolina in the War Between the States*, I, 152-328.

cordingly on August 26, the Federal naval authorities dispatched from Fortress Monroe to Hatteras a squadron of seven vessels, mounting 149 guns, completely outfitted with tugs, schooners, and surf-boats, and manned by 1,972 sailors. Commodore Silas H. Stringham was in command. Accompanying the squadron was a fleet of transports bearing 880 infantrymen, under command of General Benjamin F. Butler. To oppose these forces the Confederates had two small forts, Clark and Hatteras, which mounted seventeen guns, and were defended by 670 men. The Federal fleet opened fire on the forts on the morning of August 28. The Confederates replied, but the attacking vessels were safely out of the range of the old smooth-bore guns of the defenders. Fort Clark was quickly reduced, taken possession of by the Federal infantry, and its guns turned on Fort Hatteras. The latter was now untenable and after sustaining a bombardment of four hours on the morning of August 29, surrendered with its garrison of 615 men. The Confederates promptly abandoned the other two forts on the banks. Thus within less than a week the defences guarding the inlets to Albemarle and Pamlico sounds fell into the hands of the enemy. It was a serious blow to the Confederacy since it gave the enemy a foothold for the invasion of North Carolina at will.

The Capture of Roanoke Island

Delegates in the Convention from the eastern counties of the state flooded the governor with petitions for defence of their section against the Federal invaders. But since the coast defences of North Carolina had passed into the control of the Confederate government, all that Governor Clark could do was to press the need for troops upon the administration at Richmond. He pressed in vain. The War Department replied that every trained man was needed in Virginia, and that only newly recruited troops were available for the defence of North Carolina. To aid in organizing these troops, Major Richard C. Gatlin, a native of North Carolina who had just resigned from the United States army, was commissioned brigadier general and assigned to the command of the Department of North Carolina.

Brigadier General Joseph R. Anderson was placed in command of the defences of Wilmington, and Brigadier General D. H. Hill of the defences of Albemarle and Pamlico sounds and surrounding country.

The plans of the Federal military authorities were to complete the conquest of the northeastern section of North Carolina and with that region as a base to invade the state by way of Goldsboro and Raleigh, thus cutting in two the communications in the rear of the Confederate army in Virginia. Gatlin and Hill knew of these plans and set about energetically to thwart them. But the men and means available were woefully inadequate to the task, and Hill, feeling that he had not been supported properly by the state administration, asked to be relieved. On November 16 he was recalled to Virginia. His former command was then divided between General Henry A. Wise of Virginia, who was assigned to the district between Norfolk and Roanoke Island, and General L. O'B. Branch, who was given command of the region from Roanoke Island to New Bern. For defence of the region from Norfolk to Roanoke Island, Wise had under his command in North Carolina 1,493 men, mostly raw recruits, five small forts and one battery, mounting in all thirty guns. Many of his troops were armed with squirrel rifles, to which were fastened carving knives as bayonets. General Branch was ninety miles away at New Bern with seven regiments.

In January, 1862, Rear Admiral L. M. Goldsborough, with a fleet of twenty war vessels and forty-six armed transports, sailed from Hampton Roads to attack the defences on Roanoke Island. His strength in guns was 108, most of which were of modern make. With him was an expeditionary force of 15,000 troops under General Ambrose E. Burnside. After some delay off the stormy coast, the fleet made its way through Hatteras Inlet and on February 7 opened fire on the Roanoke Islands forts. Under cover of this attack Burnside landed his troops on the island. In the meantime 850 North Carolina troops had been sent to reinforce the garrisons. The only result was to add to the number of prisoners taken by the Federal forces, for the forts were in no condition to resist their attack and surrendered on Feb-

ruary 8. General Wise had established his headquarters at Nag's Head and during the battle the forts were under the immediate command of Colonel H. M. Shaw. Wise accordingly escaped capture. The fall of Roanoke Island forced Commodore W. F. Lynch, in command of "the mosquito fleet," to seek refuge in the harbor of Elizabeth City, where his fleet was later captured or destroyed. Goldsborough and Burnside so disposed of their forces in small parties as to sweep Albemarle Sound clear of all defences. In short order they took Edenton, Winton, which they partially burned, and all the villages along the sound.

Thus North Carolina got her first taste of the hardships of invasion. After the capture of the forts at Hatteras Inlet in August a stream of refugees poured out of the coastal region into the interior of the state. Many more followed upon the fall of Roanoke Island and the occupation by Federal troops of the Albemarle section. Some of those who remained hastened to take the oath of allegiance to the United States as a protection to their property; others showed their indifference by raising white flags on their house tops upon the approach of either Federal or Confederate troops. The attitude of the people raised hopes in the North that among them might be found a nucleus for the organization of a "loyal government." In November, 1861, a so-called constitutional convention was held at Hatteras, which declared the Ordinance of Secession null and void, elected a "loyal" governor of North Carolina, and ordered a congressional election. Charles H. Foster was elected to Congress, but the whole movement was so obviously fraudulent that Congress denied Foster a seat in that body. The Federal commanders hoped to recruit their forces in eastern North Carolina, but in this, too, they were disappointed. The only aid they received was from certain natives whom the Confederates called "Buffaloes." They were Union bushwackers whose unionism, however, manifested itself not in open legitimate warfare under the United States flag but in the plunder and robbery of their neighbors. These experiences convinced the Federal government that for the time being military rather than political penetration was its major problem in North Carolina.

The Fall of New Bern

The capture of Roanoke Island opened the way for an attack on New Bern. On March 12, accordingly, General Burnside moved on that town with a fleet of fourteen gunboats and sufficient transports to carry 12,000 men. To General L. O'B. Branch was entrusted the impossible task of defending New Bern with fewer than five thousand men. While elaborate preparations had been made to meet an attack by water, the Confederates had sadly neglected their land defences. On March 13, therefore, the Federal troops, under the protection of their gunboats, landed without difficulty, and on the 14th moved to the attack. The battle raged for the greater part of the day with varying fortunes. Finally the Federals broke the Confederate line. The Confederates retreated, at first in good order, then in a panic, leaving New Bern in possession of the enemy. General Branch gathered his broken forces together at Kinston where he established his headquarters.

Anticipating the attack on New Bern, General Gatlin, in command of the Department of North Carolina, had strained every resource for its defence, but with inadequate results. The Confederate administration, alarmed for the safety of the railroad connections in the rear of the army in Virginia, and prodded to action by Governor Clark, now began to take an unwonted interest in the North Carolina situation. The President sent the governor some excellent advice. "Call on every man in your state that can come with arms," he wired, "to rally with the utmost dispatch to defend your line of railroad."[6] The advice was good, but North Carolina, having stripped herself bare for the defence of Virginia, felt that in her own precarious plight she was entitled to something more than advice to look out for herself. On March 15 General Gatlin was relieved of the command of the department and was succeeded by General T. H. Holmes, who enjoyed "the highest confidence" of the President.[7] Gen. Robert Ransom was detached from the army in

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[6] Ashe, *History of North Carolina*, II, 692.

[7] Ashe, *ibid, loc. cit.*

Virginia and ordered to report to General Holmes. By the end of March, Holmes had at various points in North Carolina about 25,000 men, many of whom, however, were without adequate arms.

But General Burnside had not been idle while his enemy was making these preparations. In order to carry out his main plan of moving on Goldsboro and Raleigh to the west, and on Wilmington to the south, Burnside had first to reduce the one Confederate stronghold remaining on the coast in his rear. This was Fort Macon, which guarded the harbor of Beaufort. It was garrisoned by five companies and mounted forty-four guns. Though well protected against attack by sea, it was defenceless against a land attack. On March 22 Gen. John G. Parke, with three regiments, established his headquarters on Bogue Sound and began to prepare siege positions from which to assail the fort. Preparations went forward uninterrupted until April 11, when the siege began. On April 24 General Burnside himself joined the attacking force and undertook unsuccessfully to induce Col. M. J. White, commander of the garrison, to surrender the fort. Then followed two days of bombardment, in which the Federal fleet participated, which forced Colonel White to capitulate on April 26.

These victories gave the Federals complete command of the North Carolina waters and enabled them to maintain a base at New Bern from which to control the surrounding country. They easily occupied Washington, Williamston, Elizabeth City, and Plymouth. From the population generally they met with unexpected welcome. The coastal region had always been strongly Unionist and the Federals were careful to encourage this sentiment. "When the Federal expedition reached Washington the mayor of the town and other respectable citizens met the vessels some distance below and conducted them up and friendly greetings were extended to the officers and men. A banner bearing the inscription, 'The Union and The Constitution,' was stretched across the main street and the music of the Federal band was vociferously cheered. Elsewhere a similar spirit was indicated, and, somewhat later, a delegation of eight citizens left Washington County and requested that a Federal force should be sent

to Plymouth."[8] This manifestation of Union sentiment induced President Lincoln to attempt to organize a "loyal" government in eastern North Carolina. Accordingly in May, 1862, he appointed Edward Stanly, a native of Beaufort County and for many years a prominent old line North Carolina Whig, who had moved to California and joined the Republican party, governor of North Carolina, with headquarters at New Bern. The attempt proved abortive, since the majority of the people of the section were loyal to the Confederacy.

The Federal successes in eastern North Carolina were a severe blow to the Confederate cause. They opened the way by inland waters to Norfolk and compelled the Confederates to evacuate that city. Henceforth the Confederate army in Virginia was constantly menaced by a mobile force in its rear. Troops needed for the defence of the Confederate capital had to be held in North Carolina to check the movements of the enemy there; with the opening of the great campaigns of 1863 on the northern front there were 30,000 Confederate soldiers largely idle in North Carolina. But they could not be withdrawn without surrendering the Wilmington and Weldon Railroad to the enemy and closing the port of Wilmington. Moreover, one-third of the state was in possession of the enemy with a consequent loss to the Confederacy of supplies and recruits for its diminishing armies.

North Carolina in the Peninsula Campaign

After the fall of New Bern, there followed, save for a few isolated and unimportant skirmishes, a lull in the fighting in North Carolina while both sides awaited the decision in Virginia. General Burnside, having made things snug in and around New Bern, was preparing to move on Goldsboro when he was ordered to hurry with all speed to the aid of McClellan, who was in difficulties in the vicinity of Richmond. Gen. John G. Foster, with 10,000 troops, was left to hold the Federal gains in North Carolina. Foster's task was made easy by the fact

[8] Ashe, *History*, II, 703-704.

that the Confederates, too, were withdrawing troops from North Carolina for service in Virginia. One by one, Branch, Anderson, Ransom, and Hill were recalled to Johnston's aid. By July there remained in North Carolina but four infantry regiments, two at Wilmington and two at Kinston; at Kinston also was a cavalry regiment.

A North Carolina regiment opened the fighting in Virginia at Bethel. Three other North Carolina regiments participated in the first battle of Bull Run. In the summer of 1862 North Carolina stripped herself bare to furnish men for the defence of Richmond. Among the troops that drove McClellan out of the Peninsula were thirty-six North Carolina regiments and four North Carolina batteries. It would be too tedious to follow the activities of these regiments in detail. Typical of their work was the conduct of the Fifth North Carolina at Williamsburg, which, together with the Twenty-fourth Virginia, declared General Hancock, who had witnessed their fighting, "deserve to have 'immortal' inscribed on their banners."[9] At Seven Pines, after witnessing the conduct of Colonel Pender's regiment, President Davis rode up to its commanding officer and promoted him to the rank of brigadier general on the field of battle. The brigades of Branch and Anderson bore the brunt of the fighting at Hanover Court House; and General Lee singled out Branch and his brigade for especial commendation. In the Seven Days battles, twenty North Carolina regiments were engaged, and one-fifth of the Confederate losses was from their ranks.

Gettysburg

Except for Foster's unsuccessful raid on Goldsboro in December, 1862, the military situation continued quiet in North Carolina through the fall and winter of that year. The most important military event of the year in the state was the assignment of Colonel William Lamb to Fort Fisher, of which he took command July 4. At that time the fort was "composed of several detached earthworks, with a casemated battery of sand

[9] Ashe, *History*, II, 703.

and palmetto logs, mounting four guns, and with only one heavy gun in the works."[10] By the close of the year Colonel Lamb had so strengthened it that Fort Fisher had become one of the most powerful fortifications in the world. Manned by North Carolina troops, it was henceforth to play an important part in the defence of the Confederacy.

Outside of the state, during the last half of 1862, North Carolina troops participated in some of the greatest battles of the war, serving with distinction under Lee and Jackson in Virginia and Maryland. At Cedar Mountain, Second Manasses, Boonesboro, Crampton's Gap, and Sharpsburg they lost 2,173 men, including General Branch and General Anderson. At Fredericksburg their killed numbered 1,467. During these same months there were three North Carolina regiments serving under General Bragg in Tennessee and three others serving in the mountains of North Carolina and Tennessee.

During the winter lull in the campaign in Virginia, the Confederate defences in North Carolina were greatly strengthened. By the opening of 1863 there were 31,442 Confederate troops in the state. Gen. W. H. C. Whiting had about 10,000 at Wilmington, where he was in constant expectation of an attack. The other troops in the state were under the command of Gen. D. H. Hill, who had been sent from Virginia to ward off any attempt of the Federals against the Wilmington and Weldon Railroad. Under Hill were the North Carolina brigades of Daniel, Pettigrew, Robertson, and Garnett. There was some fighting during the early months of 1863, the object of which was to hold Foster at New Bern, prevent an attack on the railroad, and enable wagon trains to gather supplies for Lee's army in Virginia.

As the spring opened in Virginia most of these troops were recalled from North Carolina to Lee's army. Twenty-four North Carolina regiments fought at Chancellorsville, and furnished one-third of the Confederates killed and one-fourth of those wounded in that battle. Soon after Chancellorsville, Lee set out upon his invasion of Pennsylvania.

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[10] Lamb's own statement quoted by Ashe, *History*, II, 934.

The invasion of Pennsylvania and the battle of Gettysburg have been described too often to need further description here. It is sufficient for our purposes to speak only of the record of the North Carolina troops in that battle. At Gettysburg they reached the pinnacle of military greatness. Of the sixteen brigades engaged in the first day's fighting, seven were the North Carolina brigades of Generals Alfred Iverson, Junius Daniel, Stephen D. Ramseur, J. Johnston Pettigrew, James H. Lane, Alfred M. Scales, and Robert F. Hoke. The Fifty-fifth North Carolina Regiment, brigaded with Davis's Mississippians, was also in the battle. All the North Carolina brigades lost heavily, especially Iverson's and Pettigrew's. Iverson's losses were 818, while Pettigrew's totalled 1,105. In the second day's fighting, the First and Third North Carolina regiments, four North Carolina batteries, and two North Carolina brigades, Hoke's and Hays's, were engaged. Their losses were not large. North Carolina's great day at Gettysburg was the third. Of the forty-seven regiments composing Longstreet's column which assaulted Cemetery Ridge, fifteen were from North Carolina. Pettigrew commanded Heth's division, forming the left of the assaulting column, and his men on that day advanced farther against the enemy's position than any other troops. Of the 15,301 Confederates killed and wounded at Gettysburg, 4,033 wore North Carolina uniforms. Among the killed were Major General Pender, who was mortally wounded on the second day. Brigadier General Pettigrew was mortally wounded July 14 at Falling Waters, in a rear guard action on the retreat from Gettysburg.

Plymouth

After Gettysburg there was a period of comparative quiet in Virginia and Lee was able again to turn his attention to the situation in North Carolina, which had become critical. The opposition press, more influential in the summer and fall of 1863 than at any other time during the war, was loud in its complaints at the neglect of the state by the Confederate administration; peace meetings were being held daily and soldiers were

deserting in large numbers; a condition of veritable civil war existed in the mountains between Confederate troops, on the one hand, and organized deserters and bushwhackers, on the other. Vance, seeing that his hold on the state was being gradually wrested from him by Holden and his peace-at-any-price party, was frantically calling upon President Davis for aid to enable him to hold North Carolina in line, and Davis, always suspicious of Vance, was persistently misinterpreting his motives and thwarting his plans; the two men, having the same object in view, were constantly working at cross purposes and growing more and more distrustful of each other. It was important, therefore, that something be done to allay the disaffection in the state.

Moreover, Lee's army was badly in need of supplies, which could be obtained in eastern North Carolina if the Confederates could drive the Federals out of that section. "The time is at hand," wrote Lee to Davis, January 2, 1864, "when, if an attempt can be made to capture the enemy's forces at New Bern, it should be done. . . . A large amount of provisions and other supplies are said to be at New Bern, which are much wanted by the army, besides much that is reported in the country that will thus be made accessible to us."[11]

Davis approved of the proposed attack on New Bern and thought it of sufficient importance for Lee to command in person, but Lee demurred and suggested General R. F. Hoke as the best man for the task. Hoke, however, was only a brigadier and it was thought that so large a force as would be needed should be commanded by a major general. Thereupon Lee selected for the nominal command Major General George E. Pickett, as the officer of that rank who could "best be spared from Virginia," with the understanding, however, that Hoke was to be the actual commander. It was an unfortunate arrangement. A force of 13,000 men, composed in part of the North Carolina brigades of Hoke, Ransom, and Clingman, was concentrated at Kinston. The plan of campaign had been drawn up by Hoke, approved by Lee, and forwarded by the latter to Pickett; but Pickett, despite

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[11] Quoted by Ashe, *History*, II, 863.

Hoke's spirited remonstrance, disregarded it, and silenced Hoke by a threat of arrest and court-martial for insubordination.[12] The expedition set out from Kinston January 20, 1864, and after ten days of disjointed and ineffective battles and skirmishes, ended in a fiasco. Pickett was promptly recalled to Virginia and Hoke was left in command at Kinston.

Having at last a free hand, Hoke planned to drive the enemy out of the Albemarle section. Lee approved and Hoke promptly prepared an attack on Plymouth, which commanded the lower Roanoke and the upper waters of Albemarle Sound. Plymouth had been in possession of the enemy for about a year; it was strongly fortified on the land side by several forts and defended from the river by a fleet of four gunboats. Its garrison, under the command of Gen. H. W. Wessel, numbered 3,000 troops. To capture the place Hoke must attack both by land and water; he needed, therefore, a naval force. The Confederates had under construction on the Roanoke River, at Edwards Ferry, twenty-one miles below Halifax, an iron-clad ram modelled after the *Merrimac*. Although unfinished, the work on her had proceeded far enough for Hoke's purposes, and upon his urgent representation of his necessities, she was launched, named the *Albemarle*, placed under the command of James W. Cooke, a former United States naval officer, and started down the river with the construction force still at work bolting on her armor plates.

As soon as he was assured of the aid of the *Albemarle*, Hoke invested Plymouth, April 18, 1864, and assaulted the forts. On the 19th the *Albemarle* arrived, sank one of the enemy's gunboats, and drove the others out of the river. She then turned her guns on the town and simultaneously Hoke assaulted from the land side. After sustaining the Confederate attack for three days, General Wessel, April 21, surrendered the town with 2,500 prisoners, 28 pieces of artillery, and large quantities of provisions. The moral effect of the victory was even greater than its material results. President Davis considered it so important that he wired Hoke the thanks of the Confederacy, adding:

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[12] Hamilton, *History*, 23.

CONSTRUCTION OF THE ALBEMARLE

THE ALBEMARLE AFLOAT

"You are a Major General from the date of the capture of Plymouth."

What Hoke had captured, feebler hands were unable to hold. Plymouth was too important a place to be yielded by the Federals without another effort. Moreover, the *Albemarle* was a serious menace to the Federal control of the North Carolina waters, and even to the blockade. On May 5, while escorting a troop ship and a supply ship to Hoke's assistance at Washington, she was attacked by a squadron of six gunboats, but after putting two of them out of commission, escaped to her moorings at Plymouth. Her destruction had become a necessity and after several failures, the United States Navy Department sent Lieutenant William B. Cushing to undertake the task. In one of the most daring exploits of the war, Cushing succeeded in torpedoing the ram on the night of October 27; three days later the Federals re-captured Plymouth.

The Wilderness Campaign

After capturing Plymouth, Hoke moved immediately against Washington and New Bern. He had actually taken the outworks of New Bern and had sent in a demand for the surrender of the town when he received peremptory orders to abandon all operations, however pressing, and hasten to join Lee at Petersburg.

In the meantime, Lee and Grant had been engaged in their tremendous duel between Washington and Richmond. North Carolina troops participated with great losses in this campaign. In the Wilderness, May 5, 1864, Lee led thirty-four North Carolina regiments into battle. These same regiments, considerably reduced by their losses in the Wilderness, followed him at Spottsylvania Court House five days later. Here Daniel and Gordon fell. For distinction on the field of battle, Colonel Bryan Grimes was promoted to the command of Daniel's brigade, Ramseur was made a major general, and was succeeded in command of his old brigade by Colonel William R. Cox. Colonel Rufus Barringer succeeded Gordon in command of the latter's brigade of cavalry. Hard upon Spottsylvania came Cold Har-

bor. In that battle North Carolina's ten brigades and six additional regiments formed one-fourth of Lee's command.

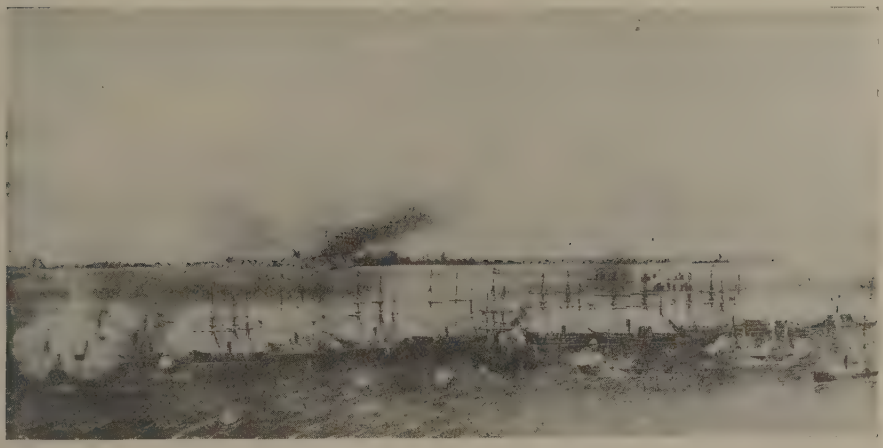
In June Lee sent Early to drive the enemy out of the Valley of Virginia. Ramseur, now a major general in command of Early's old division, Grimes, Godwin, Cox, Johnston and eighteen North Carolina regiments followed Early on this expedition, while General Robert Ransom was already in the valley in command of the Confederate cavalry. In Early's Valley Campaign these troops marched 1,670 miles, fought seventy-five battles and skirmishes, and approached to within sight of the spires of Washington. At Cedar Creek, October 19, Godwin was killed and Ramseur mortally wounded. Brigadier General Grimes was promoted to the rank of major general and given command of Ramseur's division.

While these movements were in progress in the valley, Lee and Grant had locked horns in the siege of Petersburg. During the winter of 1864-65, in the operations in and around Petersburg and Richmond, Lee had from North Carolina fifty-nine regiments, two battalions, and seven batteries, composing in all thirteen brigades.

The Fall of Fort Fisher

The siege of Petersburg emphasized anew the importance of eastern North Carolina to Lee's army. Accordingly in the winter of 1864 the Federal authorities turned definitely and aggressively to the task of closing the port of Wilmington and controlling the Wilmington and Weldon Railroad. A joint land and naval expedition was prepared to assault Fort Fisher. The land forces of 6,500 men were under the command of General Weitzel, who was greatly handicapped in the performance of his duties by the presence of Gen. B. F. Butler, his senior officer, who insisted upon meddling in the operations of the troops. The fleet of 150 vessels was under the command of Admiral D. D. Porter. The expedition sailed from Fortress Monroe December 18, and appeared off the Cape Fear on the 20th. The Federal plan of attack, said to have originated in Butler's fertile brain, was to blow up the fort by exploding a shipload

Bombardment of Fort Fisher, December 25, 1864



Bombardment of Fort Fisher, January 13, 1865

of powder against its sea walls, after which it was to be bombarded by the fleet and stormed by the land forces.

When Colonel Lamb was assigned to the command of Fort Fisher in 1862, it consisted of one battery and several detached earthworks. A single war vessel could easily have reduced it at that time. But in December, 1864, Fort Fisher was a continuous earthwork running across the peninsula between the river and the ocean for 682 yards, and on its sea side was a continuous line of batteries, mounting twenty-four heavy guns. Colonel Lamb believed it "the most complete fortification of its kind in the world."[13] From the sea it was almost invulnerable, but it was weak on the land side because it relied for defence upon the Confederate troops at Wilmington. In December, 1864, they were under General Braxton Bragg, whom the President had placed in command of the department. Throughout its history the fort itself had been manned almost exclusively by North Carolina troops. At the time of the Porter expedition, its garrison consisted of 981 veterans and 450 junior reserves.

The attack began on December 23, with the explosion of the powder ship. As a military exploit the explosion excited only the derision of the garrison; as evidence of the resources of an enemy which could thus afford to waste 235 tons of precious powder, it excited their envy; otherwise it was without results. On December 24 the 600 guns of the fleet bombarded the fort continuously for five hours, and on the 25th for seven hours, firing altogether 20,271 projectiles weighing in the aggregate 1,275,299 pounds. The Confederates, obliged to conserve their powder, fired all told only 1,272 shots. On Christmas Day Weitzel and Butler landed 3,000 troops for an assault on the fort from the land side, but on observing that the defences were in good condition, they refrained and re-embarked their men. Thereupon the expedition sailed to its headquarters at Beaufort. Butler returned to Fortress Monroe and reported that Fort Fisher could not be carried by assault. Porter disagreed and complained bitterly that he had been abandoned by the army on the eve of victory.

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[13] Ashe, *History*, II, 934.

Everybody, except General Bragg apparently, knew that the withdrawal of the Federal expedition was temporary, and Colonel Lamb entered feverishly upon preparations to meet a renewal of the attack. Bragg, on the other hand, dispatched Hoke's division on a wild goose chase for the capture of New Bern; these troops accordingly were absent when the Federal fleet, repaired and strengthened and escorting 8,500 troops commanded by General Alfred H. Terry, again took up its position off Fort Fisher, January 13, 1865, and immediately began a bombardment which continued without interruption for two days and nights. Hoke was speedily recalled but arrived too late to prevent the landing of General Terry's troops in the rear of the fort, and Bragg held his other troops in idleness while the Federal guns were beating down the defences of the last open port in the Confederacy. General Whiting, who, under Bragg, was in command of the district of Wilmington, entered the fort as a volunteer, rendered conspicuous services in its defence, and fell mortally wounded. He died a prisoner of war. Most of the batteries of the fort having been put out of commission by the guns of the fleet, and many of the garrison killed and wounded, Colonel Lamb being among the latter, the remainder were unable to resist the assault of Terry's troops, and on January 15, 1865, Fort Fisher fell. Its fall settled the fate of Lee's army in Virginia.

On January 28, General Grant visited Fort Fisher to determine whether the next move in North Carolina should be up the Cape Fear against Wilmington or from New Bern against Goldsboro. He decided on Wilmington and assigned General John B. Schofield to the task. Schofield moved promptly. Forts Caswell and Campbell were already in his hands. Federal troops were in occupation of Smithville. With the defences of the lower Cape Fear secure, gunboats were started up the river, and troops up both banks, toward Wilmington. Hoke undertook to check the advance of the latter at Fort Anderson on the site of Old Brunswick, but was unsuccessful. After that all resistance melted away and Schofield entered Wilmington on January 22.

Bentonville and Appomattox

The fall of Fort Fisher, the loss of the Wilmington and Weldon Railroad, and the rapid advance of Sherman's army from the South made Lee's surrender a matter of weeks only.[14] Anticipating that Goldsboro would be Schofield's next objective after Wilmington, Bragg collected there such troops as were available. Schofield advanced from Wilmington, and on March 7 was checked by Hill and Hoke at Southwest Creek near Kinston. In the meantime, February 23, General Lee had assigned General Joseph E. Johnston to the command of the Confederate army opposing Sherman, with orders to concentrate under himself all available troops. Accordingly Hill and Hoke were ordered to join Johnston, and Schofield entered Goldsboro without serious opposition.

On March 13 Sherman occupied Fayetteville. Having burned the arsenal and machine shops, and thoroughly plundered the town, he crossed the Cape Fear on the 14th, and continued his march to unite with Schofield at Goldsboro. In his immediate front was General Hardee, in command of about 6,000 Confederate troops. Desiring to impede Sherman's march as much as possible, in order to give Johnston time for the concentration of his forces, Hardee attacked Sherman at Averasboro, on March 15, and was defeated. By March 18 the forces of Hill, Hoke, and Hardee, numbering in all about 14,000 men, were united under Johnston near Bentonville in Johnston County. Johnston determined to attack Sherman before his union with Schofield, and at Bentonville, on March 19, fought the greatest battle, in point of numbers engaged, ever waged on the soil of North Carolina. The Confederates drove viciously at the enemy with some temporary success, but in vain. Johnston could not maintain the unequal contest and was forced to retreat. Sherman moved on toward Goldsboro where he made a juncture with Schofield. Thus the Federal forces from east, south, and

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[14] For Sherman's campaign in North Carolina see his *Memoirs*, Schofield's *Forty-six Years in the Army*, and Johnston's *Narrative of Military Operations During the Late War Between the States.*

west were united in Lee's rear, and there was no Confederate force large enough to resist their movements.

On Sunday, April 2, Lee notified President Davis that he would be compelled to evacuate Petersburg and uncover Richmond immediately, and that night began his retreat. Eleven North Carolina brigades and five batteries followed him to Appomattox. Early in the morning of April 9, Grimes led his division through Appomattox to take an advanced position, and found himself confronted by the enemy. There was some fighting, and then an order from General Lee for Grimes to retire; as he obeyed, he left Cox's brigade to cover the movement. The enemy pressed forward and were checked by a volley from Cox's men; it was the last volley fired by the Army of Northern Virginia, for General Lee had already opened negotiations with General Grant for its surrender. Of the 25,000 troops included in the surrender, 462 officers and 4,210 men were North Carolinians.

The Surrender of Raleigh

After his defeat at Bentonville, Johnston fell back on Raleigh, and then on Greensboro, closely pursued by Sherman. It was evident to all that further resistance was useless, and many prominent leaders urged Governor Vance to open negotiations with Sherman, chief among whom were Vance's two most trusted advisers, D. L. Swain, president of the University, and William A. Graham, Confederate States senator. These two had worked out a plan for a negotiated peace which would preserve the state government. At first Vance declined to follow their advice, but upon receiving notice from General Johnston that he intended to uncover Raleigh, he sent Swain and Graham as commissioners to Sherman with a letter asking for a meeting "for the purpose of conferring upon the subject of a suspension of hostilities, with a view to further communications with the authorities of the United States, touching the final termination of the existing war."[15] The commissioners left Raleigh in the

[15] Quoted by Ashe, *History*, II, 997-98.

THE BENNETT HOUSE

morning of April 12, expecting to return with Sherman's answer during the day; but they were delayed in reaching the Federal general's headquarters, about fourteen miles east of Raleigh. There they learned of Lee's surrender, which they interpreted to mean the end of the war. Sherman treated them with all courtesy, but declined the proposed conference with the governor; he could deal only with the military authorities. Through the commissioners he suggested that the governor and all other state officers continue in the exercise of the duties of their offices, and promised them his protection.

The commissioners did not return to Raleigh as early as had been expected, and a report reached Vance that they had been captured and were being held as prisoners of war. Expecting similar treatment if he himself were captured, he decided that it was inadvisable for him to remain in the city, and at midnight of April 12 rode out of Raleigh to Hoke's camp at Cary. He left with the mayor authority to surrender the city, and a letter to Sherman asking his protection for the public records, buildings, and the charitable institutions. Sherman entered Raleigh on the 13th, received the surrender of the city from the mayor and of the Capitol from Swain, and issued orders against any destruction, looting, and plundering.

Johnston's Surrender

The next day, Johnston, who had established his pickets at Hillsboro, sent a communication to Sherman asking for a meeting to discuss an armistice. Sherman assented, and on April 16 the two generals met midway between their pickets at the Bennett House, about four miles west of Durham. They agreed on a convention, which was approved by President Davis but was rejected at Washington, because it undertook to deal with the political status of the seceded states. Accordingly, on April 25, Sherman notified Johnston that the armistice would be terminated within forty-eight hours. Determined to prevent any further useless sacrifice of life, Johnston, somewhat against the wishes of Davis, again met Sherman at the Bennett House and there surrendered his army, April 26, 1865.

CONFEDERATE PRISON AT SALISBURY

Fighting continued in western North Carolina two weeks longer. In December, 1864, Gen. George Stoneman had been sent into southwest Virginia and northeast Tennessee to cut the railroad connections between those two states, destroy Confederate supplies, and make impossible Lee's retreat into the mountains of Virginia. After performing his tasks with great efficiency, he entered North Carolina in March, 1865, with an army of about 7,000 men, and swept through that section like a hurricane from the Tennessee line on the west to Wilkesboro, Salem, and Salisbury on the east. He entered Salem on April 10 and sent detachments to cut the North Carolina Railroad and the railroad from Greensboro to Danville. On April 12 he occupied Salisbury, where he destroyed the famous Confederate prison at that place, public buildings, railroad depots, cotton factories, machine shops, and an immense quantity of supplies which had been stored there. Thence he moved on westward, leaving a trail of loot, riot, pillage, and murder. The only Confederate troops to oppose his advance were about 2,000 men under Gen. J. G. Martin, whose headquarters were at Asheville. There were numerous skirmishes between them and the invaders, terminating in a battle at Waynesville, May 9, in which was fired the last shot of the war in North Carolina, and probably the last east of the Mississippi River.

In the meantime, upon reaching Raleigh, Sherman had sent Vance a letter, enclosing a safe-conduct, inviting him to return and resume his office. Before accepting this invitation, Vance sought an interview with Davis, who, upon leaving Richmond, had gone first to Greensboro and later to Charlotte. The meeting occurred at Charlotte and Vance asked Davis what he wished him to do. Davis gave a noncommittal answer, and seemed to Vance to talk "wildly" about rallying Lee's broken army, retiring to the mountains and renewing the contest. Getting no satisfaction so far as his own problem was concerned, Vance determined to proceed without further regard for the Confederate authorities. He attempted to return to Raleigh, but in the meantime the situation had changed materially, and General Schofield, now in command at Raleigh, declined to permit his doing so. Accepting this as evidence that the Federal govern-

ment did not intend to recognize the validity of the state governments in the Confederate States, Vance gave up the attempt and joined his family at Statesville to await the progress of events. There on May 14 he was arrested by General Kilpatrick, carried to Washington, and incarcerated in the Old Capitol Prison.[16]

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[16] For an account of the surrender of Raleigh and the arrest and imprisonment of Vance see Dowd's *Vance*, ch. VIII; also Vance's "Remarks in the Senate Contradicting the Statement of General Sherman that President Davis had Threatened to Coerce North Carolina if Vance Should Attempt to Take the State Out of the Confederacy," printed in *ibid*, 424-29.

CHAPTER XXXVI

THE RESTORATION OF PEACE

In North Carolina, as in other southern states, political disorganization, economic ruin, and social disintegration followed the military collapse of the Confederacy. The situation, of course, presented many grave and pressing problems, the most urgent of which, perhaps, was the establishment of a stable government and the restoration of the state to its Federal relations. Until this was done there could be no economic rehabilitation and no social reorganization. To the political situation, therefore, attention must be first directed.[1]

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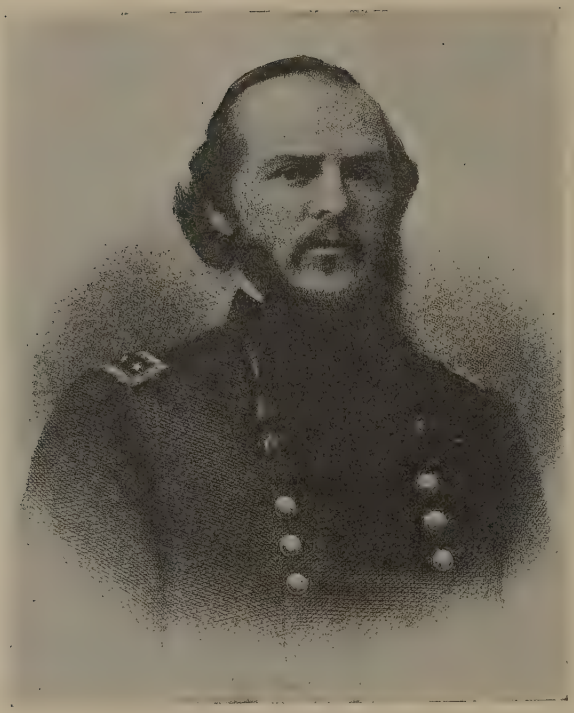
[1] The chief work on the period covered by Chapters XXXVI-XXXIX is Hamilton's *Reconstruction in North Carolina.* His *History of North Carolina Since 1860,* chs. V-X, treats the same period more briefly. Ashe's *History of North Carolina,* II, chs. LX-LXX, and Moore's *History of North Carolina,* II, chs. VIII-XIII, are especially interesting because the authors were important participants in the events they describe. Other works which treat of special phases of the period are: Chamberlain's *Old Days in Chapel Hill;* Arthur's *Western North Carolina: A History from 1730 to 1913;* Tompkins' *History of Mecklenburg County,* I, chs. XXIX-XXXI; Turner-Bridgers, *History of Edgecombe County,* chs. VII-VIII; Creecy's *Grandfather's Tales of North Carolina History;* Cox, *Three Decades of Federal Legislation;* Dowd's *Life of Zebulon B. Vance;* Knight, *Public School Education in North Carolina,* chs. XI-XIII; and Stephenson, *Race Distinctions in American Law.*

The primary sources are too voluminous to be listed in full. Holden's *Memoirs* and Waddell's *Some Memories of My Life,* are reminiscences of important actors in the events they record. Andrew's *The South Since the War,* contains the reports of the correspondent of a northern newspaper who was present at the scenes he describes. The most important collections of letters in print are *The Correspondence of Jonathan Worth,* 2 V., and the *Papers of Thomas Ruffin,* 4 V., both edited by J. G. de Roulhac Hamilton. There are, too, the laws, legislative and convention journals, documents, and reports, and Supreme Court reports. Of special importance are: *Report of the Bragg Fraud Commission; Report of the Shipp Fraud Commission; Impeachment Trial of William W. Holden; Report of the Senate*



JOHN B. SCHOFIELD

Overthrow of the State Government

Raleigh was surrendered to General Sherman April 13, 1865. Acting on the theory that the United States was making war only on the armed forces of the Confederacy, Sherman assumed that the Federal government would recognize the state governments in the South as soon as they indicated their acceptance of the military decision. Accordingly upon being assured by such men as Graham, Badger, Holden, and B. F. Moore, of their agreement "that the war is over, and that the States of the South must resume their allegiance, subject to the Constitution and laws of Congress, and that the military power of the South must submit to the national arms," General Sherman invited Governor Vance "to return to Raleigh with the civil officers of the state," giving him assurance of protection and safety.[2] Three days later, at the Bennett House, he included among the terms of Johnston's surrender, subject of course to the President's approval, the "recognition by the Executive of the United States of the several State Governments on their officers' and legislatures' taking the oaths prescribed by the Constitution of the United States."[3] These terms, however, were rejected by the President. After the surrender of Johnston, April 26, and the departure of Sherman, Vance offered to surrender to Gen. John B. Schofield, whom Sherman had left in command in North Carolina; but Schofield, following instructions, refused his proposition and advised him to go home and there await developments. Vance, therefore, remained at home in Statesville until May 14, when he was arrested, carried to Washington, and confined in the Old Capitol Prison, from which he was released on parole July 6, 1865.[4]

Committee on the Condition of Affairs in the Southern States (Sen. Reports, No. 1, 42 Cong., 1 Sess.); *Report of the Joint Select Committee to Inquire into the Condition of Affairs in the Late Insurrectionary States;* and Richardson's *Messages and Papers of the Presidents.*

[2] Dowd, *Life of Zebulon B. Vance*, 98.

[3] Rhodes, *History of the United States*, V, 167.

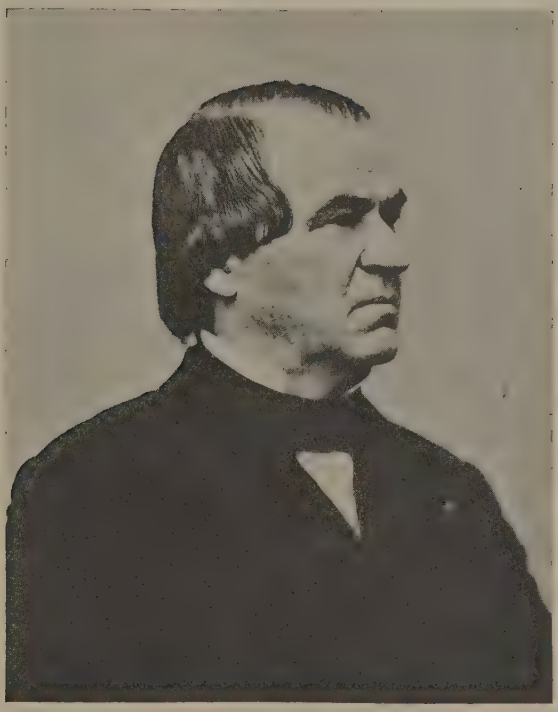
[4] Dowd, *op. cit.*, 95-100.

The downfall of the state government left the military forces of the United States in control of North Carolina. Following the surrender of Johnston, Sherman with his main army moved on to Richmond, leaving General Schofield with his own corps in command in the state. To General Schofield was entrusted the task of restoring quiet and maintaining order. He performed his work with promptness, tact, and ability. In a proclamation, April 28, he announced the cessation of hostilities and the freedom of the slaves, and two weeks later published regulations for their control. He organized a police force for each county and had the oath of allegiance administered to magistrates of known Union sympathies. To facilitate the return to normal life, he made every effort to remove restrictions on trade, and in numerous other ways showed an understanding of and sympathy with the difficulties of the people that elicited their cooperation. When he applied for leave of absence in June, he reported that the further presence of troops in the state seemed to him unnecessary.

The Provisional Government

General Schofield hoped to be appointed military governor of North Carolina, but President Johnson had other plans. He had fallen heir to Lincoln's plan of Reconstruction, which, in substance, was to utilize the Union element in the seceded states to organize loyal state governments. With certain exceptions, Lincoln offered a general amnesty and pardon to all who would take a prescribed oath and proposed to recognize the government which such citizens might organize in any seceded state, except Virginia, provided the number of those participating in its organization constituted ten per cent of the voting population of the state in 1860. Johnson followed this plan with modifications of details.

On May 9, the President summoned Holden, and later several of his friends and supporters, to Washington to discuss the Reconstruction of North Carolina. Later D. L. Swain, B. F. Moore, and William Eaton were summoned and admitted to the conferences. The President exhibited the proclamations he



ANDREW JOHNSON

had prepared setting forth his plan. Moore raised objections to its constitutionality but was unable to move the President. In the North Carolina proclamation the President had left a blank space for the name of the provisional governor and requested the group to make a recommendation for his consideration. Swain, Moore, and Eaton, protesting his constitutional authority to appoint a governor, declined to participate in the proceedings; the others recommended Holden.

On May 29, the President issued the two proclamations which formally began his plan of Reconstruction.[5] One offered a general amnesty and pardon to all who had taken part in the rebellion against the United States government, restored property rights except in slaves, and prescribed an oath for those desirous of taking advantage of the terms offered. From its benefits were excluded fourteen classes of persons, embracing practically all men of distinction, political experience, and wealth in the South; but such persons might obtain pardon by making personal applications to the President, to be granted at his discretion.

Simultaneously with his amnesty proclamation, the President issued his proclamation providing for the Reconstruction of North Carolina.[6] He named Holden as provisional governor, and authorized him to call a convention to restore the state to the Union. All persons who had taken the amnesty oath and were qualified to vote in the state prior to May 20, 1861, were to be qualified as electors and delegates. The military commander of the department and his subordinates were ordered to give every assistance to the provisional governor in carrying the President's plan into effect, and the proper Federal officials were directed to restore the postal, revenue, judicial, and other branches of the Federal service in North Carolina. The United States District Court was directed to resume its functions, and in August George W. Brooks was appointed district judge.[7]

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[5] Richardson, *Messages and Papers of the Presidents*, VII, 3508-10.

[6] *Ibid*, VII, 3510-12.

[7] Robert P. Dick was first appointed, but could not take the "iron clad oath." This was an oath prescribed for Federal office-holders by an Act

Holden entered upon his new duties June 5, and on June 12 issued a proclamation in which he outlined his policy. He assured the people that a convention would soon be called to restore the state to the Union and to provide for the election of a governor, a legislature, and congressmen, and that the Legislature would choose two United States senators. In the meantime state and local officers would be appointed to serve until the meeting of the Convention. The proclamation contained some good advice; the governor urged the people to discourage disloyal sentiment, to take an active part in public affairs, and to choose as public officials only persons who were loyal to the United States government, and assured the colored people of his sympathy and interest in their welfare; but he struck a false note by needlessly dragging into the document some abusive references to the Confederate government and congratulating the people upon their deliverance from it. Following the governor's proclamation, numerous Union meetings were held in the state, some of which violently denounced the former Confederacy; the majority of them, however, simply acknowledged that the war was a failure, pledged allegiance to the Union, and hailed with satisfaction the return of peace.

Two months passed before Holden ordered the election of delegates to a convention, and there was a disposition in certain quarters to criticise him for the delay. Such criticism, however, was scarcely well founded, for the governor had much to do before a convention could be held. An amazing amount of work flowed through his office in that summer of 1865. Besides an enormous correspondence, the heavy grind of administrative details, and scores of visitors who daily sought conferences with him, he had to appoint state and local administrative and judicial officers, directors of railroads, banks, educational and charitable institutions, and to read and pass on

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of Congress, July 2, 1862, containing a provision that the person subscribing it had never borne arms against the United States, nor given aid or encouragement to persons engaged in armed hostility thereto, nor held office under any pretended government in hostility to the United States, nor yielded voluntary support to such pretended government. Holden was not required to take the oath upon his appointment as provisional governor.

to the President with recommendations for final action hundreds of applications for pardon. During June and July, he appointed more than 3,000 officials, including a complete set of state officers, mayors and commissioners of forty towns, magistrates for eighty-five counties, and numerous directors of corporations in which the state had an interest. His appointments, as a rule, were above criticism. Jonathan Worth was appointed state treasurer; all the former Supreme Court judges —Pearson, chief justice, Battle and Manly, associate justices —were continued in office, and a group of able lawyers were appointed to the Superior Court bench. During his seven months in office, Holden read and made notations on 1,450 applications for pardon, 1,200 of which the President approved. In a few cases Holden allowed personal or political animosities to warp his judgment in his recommendations, but it must be said that on the whole "his work was well done. He was less proscriptive than might have been expected, . . . and he showed consideration for the feelings of his opponents by asking for Vance's release on parole on account of the illness of his wife, and by various other acts to which his kindly nature impelled him."[8] He was undoubtedly sincere in the conviction that he was rendering a patriotic service to his native state, in which he spent his strength freely. Long afterwards, when the events which he recorded had passed into history, he wrote simply of that summer's work: "I was robust and in good health when I entered on my duties, but at the close of them I was thin and sallow and weak, so intensely had I labored, as I thought, for North Carolina."[9]

The Convention of 1865

On August 8 Holden called an election, to be held September 21, for 120 delegates to meet in convention at Raleigh, October 2, to take the steps required by the President for the

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[8] Hamilton, *Reconstruction*, 117.

[9] For Holden's account of his work as provisional governor see his *Memoirs*, 44-63.

restoration of North Carolina to the Union. No real issues divided the voters; everybody recognized that slavery and secession were dead, and it was generally agreed that the problem of the war debt should not be considered at that time. The *Standard*, reflecting Holden's views, although upon his appointment as governor he had relinquished editorial control, took this position. The election, therefore, passed off quietly.

Among the delegates were a handful of former Secessionists; the great majority were old line union Whigs. One notes the absence of such men as Graham, Gilmer, George Davis, Ruffin, Bragg, Morehead, and Vance, whose wisdom and experience should have been available for the service of the country in such a crisis; all of them were still on the unpardoned list, except Ruffin, whose pardon was issued just four days before the Convention met. Although composed for the most part of inexperienced men, the Convention was ably led. Two of its members had been in the Confederate Congress, two in the Convention of 1835, and twelve in the Secession Convention. Conspicuous among them were B. F. Moore, George Howard, Thomas Settle, Nathaniel Boyden, Edward Conigland, Dennis D. Ferebee, M. E. Manly, Bedford Brown, and Edwin G. Reade. Among the younger members just entering upon careers of distinction were George W. Brooks, W. T. Faircloth, L. L. Polk, Thomas J. Jarvis, Samuel F. Phillips, and R. P. Buxton. There was no disagreement among the delegates that the main business of the Convention was to restore the state to the Union as speedily as possible.

The Convention organized by the election of Edwin G. Reade as president. He opened the proceedings with an eloquent address of which the phrase, "Fellow citizens, we are going home," was the keynote. In a brief message, Governor Holden reviewed the President's plan of Reconstruction, praised his moderation and liberality, and alluded to secession and slavery. Of especial interest, in view of his subsequent career, was his statement that the only effect of the war on North Carolina had been to change her from a slaveholding to a non-slaveholding state. "In other respects," he declared, "as far as her existence as a state and her rights as a state are concerned,

she has undergone no change."[10] He made no mention of the war debt.

The first question taken up was the action to be taken on the Ordinance of Secession. That it must be abrogated all agreed, but serious differences developed as to the principle on which the Convention's action should be based. Nathaniel Boyden reported from the committee a resolution declaring that the Ordinance of Secession "is now and hath been at all times, null and void." Delegates who, as members of the Convention of 1861, had voted for that ordinance, objected to the use of language that would stultify their former action. Dennis D. Ferebee, accordingly, offered a substitute declaring that the Ordinance of May 20, 1861, "is hereby repealed, rescinded, and abrogated." A bitter debate ensued which to an extent foreshadowed future political alignments in the state. The substitute was defeated by a vote of 94 to 19, and the original resolution was then passed by a vote of 105 to 9. The intensity of the feeling aroused is indicated by an incident that occurred after the vote was announced. Thomas Settle, who had voted with the majority, walked over to the desk of his old friend George Howard, and exclaimed, "Come, Howard, let's make it unanimous;" to which Howard replied with great emotion, "I'll see you damned first!" There was no opposition to the proposed ordinance abolishing slavery. Both these ordinances were ordered to be submitted to the people at the next general election. After they were out of the way the Convention passed ordinances to institute the machinery of government in the state according to the usual form.

It had not been expected that the Convention would take up the question of the state's war debt. Holden himself had not recommended such action, and the *Standard*, reflecting his views, was opposed to its consideration. But as the session neared its end the question became involved in politics which introduced new factors into the problem. Holden was naturally anxious to be chosen governor at the election ordered by the Convention to be held on November 9. On October 14, fifty-

[10] Journal of the Convention of 1865, 11.

three delegates, including many of the leaders of the Convention, joined in a letter to him urging him to become a candidate, and on October 17 he replied favorably.[11] On the same day he wired the President asking if it were not advisable for the Convention to repudiate the war debt, falsely stating that the people, "by a large majority," favored such action. Why had he changed his mind on the subject? The most plausible explanation lies in the fact that on October 16 he learned of plans to run Jonathan Worth, who was opposed to repudiation, against him for governor and that he thought repudiation would be popular. The President replied at once demanding that every dollar of the war debt be "finally and forever" repudiated, and the Convention perforce acquiesced in his demand.[12]

Never had the astute Holden made a greater political blunder. The state's war debt was due chiefly to her own people. Besides hundreds of persons who had bought state bonds from patriotic motives, trustees and fiduciaries, banks, and various state educational agencies had invested millions of dollars of trust funds in such securities. Repudiation, therefore, wrought widespread hardship that directly or indirectly affected every class of people. "It forced every bank in the state into liquidation and most of them to complete ruin, impoverished thousands of people on whom prosperity depended, swept away the larger part of the property of the University, and seriously impaired the Literary Fund which supported the public school system. The responsibility for all this, in the minds of the people, rested upon Holden and his action was deeply resented. It assured his defeat in the approaching election."[13]

Election of 1865

The Convention adjourned October 20 to meet again May 24, 1866, and the gubernatorial campaign got under way im-

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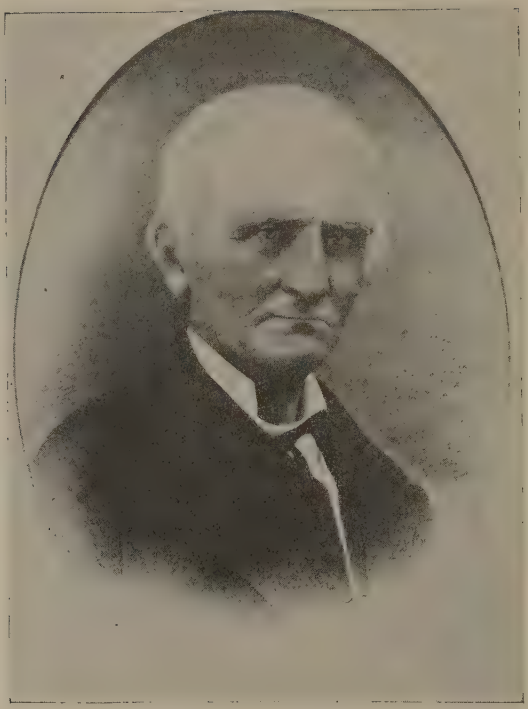
[11] These letters are printed in Holden's *Memoirs*, 64-68.

[12] Holden's dispatch and the President's reply are printed in Hamilton's *Reconstruction*, 130-132.

[13] Hamilton, *History of North Carolina*, 65-66.



JONATHAN WORTH

mediately. Besides the candidates for governor there were numerous candidates for the Legislature and for sheriff, and twenty-three aspirants for the state's seven seats in Congress. Neither Holden nor Worth took the stump, but the press, led by the *Standard* for Holden and the Raleigh *Sentinel*, edited by William E. Pell, for Worth, waged a bitter campaign. The *Standard* attempted to turn the election on the question of the restoration of the state to the Union. Its campaign slogan was, "William W. Holden and Go Back into the Union, or Jonathan Worth and Stay Out of the Union;" but everybody in North Carolina knew well enough that Worth's record as a Union man was far better than Holden's, and the issue soon narrowed down to the personalities and character of the two men. Holden's record of political vagaries was not such as to inspire public confidence, and his sudden shift of front on the question of repudiation told heavily against him.[14] Worth was elected by a vote of 31,643 to 25,704. All of the seven candidates elected to Congress had been former Union men, but only two of them could take the "iron clad" oath required for admission. The two ordinances relating to slavery and secession were both ratified.[15]

The result was a bitter pill to Holden, and marks a turning point in his career. Henceforth a spirit of vindictiveness characterized his political warfare which, considering all the circumstances, had been rather strikingly absent theretofore. Holden loudly proclaimed the result to be a rebel triumph and sought to persuade the President to refuse to recognize Worth. Accepting this interpretation of the vote, the President was naturally disappointed and quite frankly declared that the result of the election "greatly damaged the prospects of the state in the restoration of its governmental relations," and hoped that the spirit and actions of the Legislature would be "so

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[14]Holden attributed his defeat to the hostility of the Secessionists; however, he says also that the smallness of his vote (68) in Forsyth County, where Worth received 1,110, was due to his share in the repudiation of the war debt.—*Memoirs*, 68-69.

[15] For the vote see *North Carolina Manual*, for 1913, 1013-15.

directed as rather to repair than to increase the difficulties under which the state had placed itself."[16]

The political aspect of the General Assembly, which met November 27, gave assurance on this point. Former Union men were in the ascendancy; indeed, the Democratic party had practically ceased to exist. Thomas Settle was elected speaker of the Senate, Samuel F. Phillips of the House. Both were Union men who subsequently became Republicans. The Legislature confined itself chiefly to the tasks of filling the offices and putting into operation the machinery of the state government. Most of Holden's provisional appointees were re-elected, the most important changes being the defeat of Judge M. E. Manly, a former Secessionist, by Judge Edwin G. Reade, former Unionist, for associate justice of the Supreme Court, and the election of Kemp P. Battle as state treasurer over William Sloan, whom Holden had appointed to succeed Worth. William A. Graham and John Pool, both old line Union Whigs, were elected to the United States Senate, but when they presented their credentials, like the seven members of Congress chosen at the recent election, they were refused their seats. This was the first definite check that Congress gave to the President's plan of restoration.

The course pursued by the Legislature was satisfactory to the President despite Holden's efforts to create suspicion of its loyalty in his mind. It ratified the thirteenth amendment to the Federal Constitution with practical unanimity, and adopted a series of resolutions declaring its acceptance in good faith of the President's terms of restoration and assuring him of the loyalty of the people of North Carolina to the United States government. On December 15 it administered the oath of office to Governor Worth and then adjourned to meet again in January. Holden failed in his efforts to induce the President to refuse to recognize Worth, and on December 28, in obedience to orders from Washington, he turned his office over to the new governor.[17] The provisional government was at an end.

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[16] The President's letter in full is given in Holden's *Memoirs*, 69.

[17] Secretary of State Seward's dispatch to Governor Holden is printed in Hamilton's *Reconstruction*, 145-146.

Problem of the Freedmen

The provisional government rested on military power. Based on the war powers of the President, it performed its functions only through the acquiescence of the military commanders of the department. In June, 1865, General Schofield was succeeded by General Thomas H. Ruger, who was succeeded a year later by General Daniel E. Sickles. While these commanders, and their subordinates, desired the restoration of peace and order, they seriously hindered that result by constant interference with the operations of the civil authorities. Conflicts arose between the military and the civil courts in the administration of justice, for General Ruger refused to recognize the jurisdiction of the latter in cases involving freedmen, and required such cases to be removed from the civil courts to the military courts. Such removals often resulted in gross miscarriage of justice. A few cases involving only white persons were tried by military commissions, and General Ruger held that such commissions did not have to obey the writ of *habeas corpus*. Governor Holden protested against these proceedings, and finally, in September, 1865, came to an agreement with General Ruger that all cases in which white persons alone were involved should be left to the civil courts, while cases involving freedmen should be tried by the military jurisdictions. The military commanders also forbade corporal punishment by the civil courts, and interfered with the freedom of the press. Editors were arrested and in some instances fined and imprisoned by military commissions for publications regarded by the conquerors as "disloyal and seditious."[18]

The interference of the military authorities in cases involving freedmen was inspired chiefly by a belief that the latter could not procure justice in the civil courts. But that was only one phase of the problem of the freedmen. Far more difficult were the problems of their social and economic conditions. With

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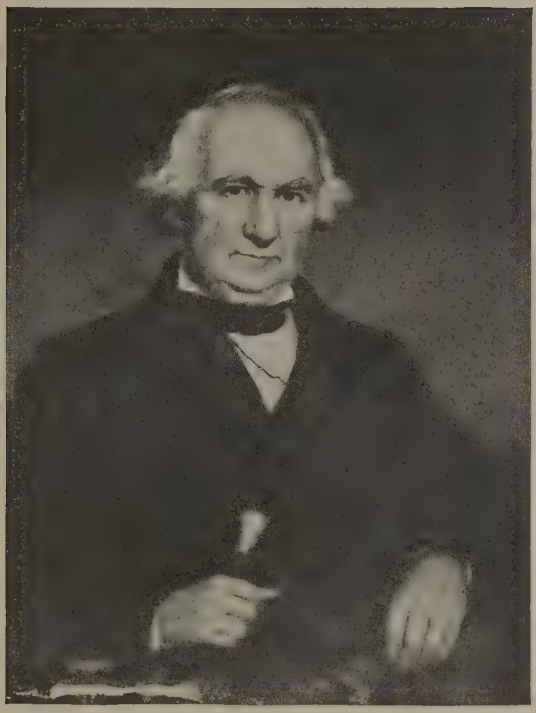
[18] Hamilton, *op. cit.*, 167-168.

the collapse of the Confederacy came a very natural desire on the part of the negroes to put their new freedom to the test. To them emancipation meant freedom to move about at will, freedom from work, freedom from restrictions of all kinds. To abandon his plow in the middle of the row, to stride defiantly by his former master, out of the yard, and down the dusty road to the nearest town, with no one to say him nay—that, indeed, was a test of freedom that even the most ignorant negro could understand. Thousands of negroes followed Sherman's army as it marched through North Carolina; other thousands flocked into Wilmington, New Bern, Goldsboro, Raleigh, and other large towns, lured from the plantations by the excitements of town life and the presence of Federal troops. Relaxation of discipline, idleness, and crowding bore their inevitable harvest of destitution, disease, and crime. A grave situation was thus created beyond the power or the will of the native whites to meet. Many former masters, indeed, were no longer financially able to care for even those old servants who remained faithful; others washed their hands of the negroes altogether. The Federal government had created the situation, let the Federal government assume the responsibility!

The Freedmen's Bureau

The Federal government had already turned its attention to the problem. On March 3, 1865, Congress passed an act creating in the War Department the Freedmen's Bureau, and investing it with power to control all matters relating to freedmen and refugees from the insurrectionary states. The functions of the bureau were to relieve the wants of the freedmen, to advise and aid them in their domestic affairs, to prepare their contracts with employers, to assist them in procuring land, to establish schools for them and instruct them in the duties and responsibilities of citizenship. The President placed at its head General Oliver O. Howard, a man of ability and good judgment, and General Howard selected the assistant commissioners for the several states.



B. F. Moore

The bureau in North Carolina was organized July 15, 1865, and continued in operation until January 1, 1869. During this period five different persons served as assistant commissioner for the state. The Freedmen's Bureau was a very necessary institution and had it executed its functions in the proper spirit would have proved of great benefit to both races. It had many excellent achievements to its credit. It distributed in North Carolina about $1,500,000 worth of food to destitute negroes; it established hospitals which cared for more than 40,000 patients; it organized 431 schools for freedmen in which were enrolled 20,227 pupils; and it undoubtedly prevented abuses by former masters in the preparation of contracts for labor and supplies with their former slaves. On the other hand, it stimulated idleness by teaching the negroes to look to the government for support; it encouraged lawlessness by interfering with the trial and punishment of negro criminals in the civil courts; it prepared the way for the subsequent saturnalia of political corruption by turning itself into a political machine supported by the solid negro vote; and it arrayed the two races against each other by encouraging the negro to expect social as well as political equality.

There can be little doubt that, had the whites been left free to deal with the status of the freedmen they would have worked out a plan fair and just to both races that would have promoted friendship instead of hostility between them. Indeed, such a plan was formulated in 1865 by a commission consisting of B. F. Moore, W. S. Mason, and R. S. Donnell, appointed by Governor Holden under authority of an ordinance of the Convention of 1865, and was adopted by the Legislature at its January session in 1866. Among the "Black Codes" of the South, it was notable for its liberality toward the negro. It is true that it did not admit the negro to entire equality before the law with the whites; nevertheless it validated the marriages of former slaves; changed the law of apprenticeship so as to apply, with one minor exception, to both races alike; declared negroes entitled to the same rights and privileges as whites in suits at law and equity; made the criminal law applicable to the two

races alike except in the punishment for an assault with intent to commit rape; provided for the admission of the testimony of negroes in the courts; and made provision for the protection of negroes from fraud and ignorance in making contracts with white persons. The report of the commission was enacted into law by the Legislature at its January session, 1866, but because of its discriminations against the negro in a few minor particulars, it failed to win the approval of the Freedmen's Bureau; accordingly when the Convention met in adjourned session in May, it abolished all discriminations before the law between the two races.

Opponents of legal equality between the races urged that it would lead to political equality. On the question of negro suffrage opinions varied all the way from advocacy of equal rights with the whites to unyielding opposition to any degree of suffrage for negroes. The negroes themselves do not seem to have been greatly concerned over the question in 1865-66. The most prominent leaders of the race, while looking to suffrage in the future, did not think the time ripe for it in 1865, and a convention of negroes held in Raleigh in September in a petition to the Constitutional Convention, called to meet October 2, asking for certain rights and privileges, did not include suffrage among them. On the other hand, many prominent native whites thought a qualified suffrage wise and necessary. Among those who publicly advocated such a policy were Victor C. Barringer, a former major in the Confederate army, Alfred M. Waddell, an ex-Confederate colonel, and D. L. Swain, president of the State University. The *Sentinel* and the *Standard* were doubtless surprised to find themselves agreeing in opposition to any kind of suffrage for negroes. The *Sentinel,* however, was moderate in the expression of its views, and opened its columns to a discussion of the subject, whereas the *Standard,* with Holden again at the helm, was violent in expressing its "unqualified opposition to what is called negro suffrage."[19]

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[19] Hamilton, *Reconstruction,* 150-152.

Revival of Party Politics

The Constitutional Convention met in adjourned session May 24, and adjourned *sine die* on June 25. Its chief work consisted in drafting a new state constitution, largely the work of B. F. Moore. The changes introduced were of a minor character, the most important being designed to meet the changed conditions resulting from the war. In the Convention itself there was considerable opposition to the adoption of a constitution on the ground of lack of authority, the Convention not having been called for such a purpose, and at the election in October chiefly on this ground the proposed Constitution was rejected by a vote of 21,552 to 19,570.[20]

The campaign of 1866 marked the revival of party politics in North Carolina. The chief issues were the President's plan of Reconstruction and the proposed fourteenth amendment to the Federal Constitution. In June, Governor Worth announced his candidacy for re-election and received the support of those who favored the President's plan. Worth declared that he was opposed to the ratification of the fourteenth amendment, "or any other amendment to the Constitution of the United States until we are represented in the proposing Congress." Holden led the opposition, but realizing that he himself could not be elected sought to induce Matt W. Ransom to become a candidate. Failing, he turned in vain first to James M. Leach, and then to General W. R. Cox. A meeting, in which northern men played a leading rôle, was held at Raleigh September 20. Holden spoke in favor of the congressional plan of Reconstruction, except that he balked at negro suffrage. The convention adopted a platform which endorsed the proposed fourteenth amendment, censured Worth's administration, and warned the people against electing any but "the unmistakably loyal" to public office. Alfred Dockery, though not a candidate, was nominated for governor, and provisions were made for a regular party organization. This was the beginning in fact, though not in name, of the Republican party in North Carolina. In the elec-

[20] *North Carolina Manual* for 1913, 1016-18.

tion that followed Worth was elected by a vote of 34,250 to Dockery's 10,759.[21] When the Legislature met, it rejected the proposed fourteenth amendment by an overwhelming vote in both Houses.

By this time Holden had gone over bag and baggage to the radicals; henceforth his course was marked by a spirit of bitterness and vindictiveness. Turning upon the President and allying himself with his enemies in Congress, he pursued him with relentless animosity; while within the state he assumed the leadership of the "carpet-baggers," "scalawags,"[22] and negroes and declared war on all who opposed their schemes of power and plunder. "And now we give notice," he declared editorially in the *Standard*, "that we have commenced this warfare on traitors, not without having counted the cost, and we intend to continue it until they are driven from every office of importance in the state. Nothing shall divert us from our purpose."[23] The radicals, with whom he now allied himself, as Professor Hamilton says, "had traveled rapidly an interesting circuitous path. First the supporters of the President, they had lauded him to the skies, praised his policy, and denounced the radicals in Congress. They had bitterly opposed, not only negro suffrage but every attempt to recognize the citizenship of the negro, and to give him ordinary civil rights, such as to sue in the courts or even to allow him to testify in his own behalf. Ousted from control of state affairs, they had held the ear of the President for a time, but had finally come to oppose him and all he stood for and to favor Congress and finally to accept the Fourteenth Amendment."[24] Under Holden's leadership they now took the final step in radicalism. At a meeting of negroes in Raleigh, on Emancipation Day, 1867, Holden came out for "unqualified negro suffrage," and introduced a resolution re-

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[21] *North Carolina Manual* for 1913, 1001-02.

[22] "Carpet-baggers" was the term applied to the northern politicians who located in the South after the Civil War; "scalawags" was the term applied to the native whites who became Republicans during the Reconstruction period.

[23] Quoted by Hamilton, *Reconstruction*, 171-172.

[24] Hamilton, *History of North Carolina Since 1860*, 82-83.

questing Congress to reorganize the state government on the basis of "loyal white and black suffrage."

Congress Takes A Hand

The President's plan of Reconstruction, though successful so far as the state governments were concerned, did not restore the states to the Union, because Congress, insisting that Reconstruction was not an executive but a legislative function, refused to recognize them. The President had taken the initiative because when the Confederacy collapsed Congress was not in session; but when that body reassembled in December, 1865, it began at once to undo his work. It refused to admit the southern senators and representatives, and early in 1866 created a joint committee of the two Houses, ostensibly to investigate conditions in the South, but in reality to collect data that would justify it in overthrowing the state governments which the President had recognized.

This committee examined carefully selected witnesses from every southern state.[25] Of the twelve from North Carolina, only one was a native; two others had lived in the state before 1860; eight were, or had been officers in the Union army, and of this number six were agents of the Freedmen's Bureau. One, Maj. H. C. Lawrence, a Republican and a bureau agent, testified that North Carolina had accepted the results of the war in good faith and was loyal to the United States government; declared that he was ashamed of the conduct of the military authorities in the state; and confessed himself out of sympathy "with the views that seem to prevail in Congress." The others understood more clearly why they had been summoned and testified accordingly. They depicted in dark colors the hatred of the native whites for the negroes, their animosity against northern men, and their hostility to the United States government, and unblushingly asserted that neither freedmen, northerners, nor Federal officials were safe without military protection.

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[25] *House Report*, No. 30, part 2, 39th Congress, 1 session.

The report of the committee, submitted in June, 1866, did not affect the action of Congress; it merely served as an excuse for Congressional Reconstruction. The first act in the new process was passed March 2, 1867. It declared that no legal government existed in any of the "rebel" states except Tennessee, wiped the other ten former Confederate states out of existence and divided the territory into five military districts, each to be under a United States army officer ranking as high at least as a brigadier general, and subjected the civil government to the military power. The military power was not to be withdrawn from any state, nor its senators and representatives admitted to Congress, until it had adopted a constitution approved by Congress. For this purpose a convention was to be held, to be elected by the male citizens of the state, regardless of race, color, or previous condition, unless disqualified by the proposed fourteenth amendment, for rebellion, or by conviction of a felony. On March 23 a second act was passed providing for the registration of the voters, a referendum on the question of holding a convention, the election of delegates, and the popular ratification of their work, all under the supervision of the district military commanders. The attorney-general having given the President a construction of the acts which somewhat restricted the powers of the military authorities, Congress passed a third act which removed all doubt of its intention to subordinate the civil government in the "rebel" states to the military. All three acts were passed over the President's veto.

In his veto message of March 2, the President thus described conditions in the South: "All the information I have on the subject convinces me that the masses of the Southern people and those who control their public acts, while they entertain diverse opinions on questions of Federal policy, are completely united in the effort to reorganize their society on the basis of peace and to restore their mutual prosperity as rapidly and as completely as their circumstances will permit. . . . The laws of the states and of the Federal Government are all in undisturbed and harmonious operation. The courts, State and Federal, are open and in the full exercise of their proper

authority. Over every state comprised in these five military districts, life, liberty, and property are secured by state laws and Federal laws, and the National Constitution is everywhere in force and everywhere obeyed. . . . Peace exists in all the territory to which this bill applies."[26]

The exigencies of the Republican party in the South required that this condition should come to an end, and Congressional Reconstruction was the unhappy result.

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[26] Richardson, *Messages and Papers*, VIII, 3696-3709.

CHAPTER XXXVII

RECONSTRUCTION

North Carolina followed the passage of the Reconstruction Acts through Congress with the keenest interest. The governor and his Council considered the advisability of testing the constitutionality of the acts in the Supreme Court of the United States, but yielded to the judgment of Judge Ruffin, Governor Graham, and Benjamin R. Curtis of Massachusetts, whom they consulted, all of whom advised against such action.[1] As a rule the whites submitted to the situation quietly, but it was the submission of despair not of conviction; they agreed with the *Sentinel* that "The sword is a mighty convincer." Nevertheless, they submitted with the mental resolution that at the first opportunity they would undo the results of Congressional Reconstruction and restore constitutional government in North Carolina. In the long struggle and final triumph of this principle lies the significance of the political contests of the period from 1868 to 1876.

Military District No. 2

The Reconstruction Acts transformed the "sovereign states" of North Carolina and South Carolina into "Military District No. 2." On March 11, 1867, the President appointed Brig. Gen. Daniel E. Sickles district commander. His headquarters at first were at Columbia, later at Charleston, S. C. General Sickles was well and favorably known in North Carolina and his appointment was received with general satisfaction. It was his policy to make as few changes as possible in the existing state government. On March 21, therefore, he issued an order continuing the civil government in existence, but declaring it pro-

[1] Several letters from Governor Worth on the subject are printed in Hamilton (ed.), *Correspondence of Jonathan Worth*, II, 914 *et seq.*

DANIEL E. SICKLES

visional. He called upon the people for cooperation, and himself set the example by conferring frequently with Governor Worth. Nevertheless, he made it perfectly plain that the civil government existed at the sufferance of the military power, and he organized in North Carolina eleven military posts, over which he appointed post commanders to supervise the actions of the civil authorities in their several jurisdictions. By his famous "General Order No. 10," he promulgated rules and regulations for the conduct of the civil courts, in some respects inconsistent with the laws of the state, and in various ways so interfered with their proceedings that Judge Merrimon resigned from the Superior Court bench in disgust. Later his example was followed by Judge Fowle.[2] Governor Worth found it difficult, under the circumstances, to persuade competent lawyers to accept judicial appointments.

Two events occurred during the summer of 1867 that raised the hopes of the whites that military government would soon yield to the civil authority. In June the President of the United States visited Raleigh, his birthplace, and attended the University Commencement at Chapel Hill. Although the ostensible purpose of his visit was to attend the erection of a monument over the grave of his father at Raleigh, its chief object was undoubtedly political. Everywhere he received an enthusiastic welcome, and at Raleigh was assured by General Sickles that "the admirable bearing of the people of this capital" was evidence of the spirit of loyalty to the Union that "prevails everywhere over the broad surface of your state."[3] The one discordant note came from Holden. When Johnson refused to lend himself to Holden's plan to prevent the inauguration of Worth after his election in 1866, Holden promptly deserted him and went over to his enemies. His animosity was now vented in "the ill-concealed sneers of the *Standard* at the incidents of

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[2] Sickles and Canby, wrote Governor Worth to Governor Jenkins of Georgia, "have issued edict after edict, until they have made a new code for us, forcing the most manly of our judges to resign rather than be the instruments of executing their code."—*Worth Correspondence*, II, 1106.

[3] Wilmington *Journal*, June 7, 1867. Quoted by Hamilton, *Reconstruction in North Carolina*, 233 n.

this visit of the President." Commenting on his reception at the University, the *Standard* said: "The University is in the hands of persons disaffected to the government. It must be reformed. The State Convention, to be held under the Sherman Act, must reform it from turret to foundation stone."[4] However, despite the *Standard's* efforts to arouse hostility to the President, the general results of his visit were beneficial.

Two days after the President reached Raleigh, Chief Justice Chase of the United States Supreme Court, sitting with District Judge Brooks, opened at Raleigh the first session of a United States Circuit Court held in the South since 1861. Great significance was attached to this event. Since 1865, the Supreme Court judges had refused to hold the Circuit Courts in the South on the ground that the civil authority had been superseded by the military. The presence of the chief justice at Raleigh, therefore, and especially his remarks upon the opening of the court were accepted as indicating an early end of military rule. Military authority, he said, was still exercised; however, it could no longer control the judicial process, either state or national, but could "only prevent illegal violence to person and property and facilitate the restoration of every state to equal rights in the Union. The military authority does not extend in any respect to the courts of the United States."[5]

This assertion of the chief justice was not to go unchallenged. When the post commander at Wilmington stopped the execution of an order issuing out of the United States court, his action was sustained by General Sickles, on the ground that the processes of the courts could not override the authority that Congress had empowered him to exercise. The President, however, held a different view of the matter and on August 26 removed Sickles from command of the district and appointed Maj. Gen. E. R. S. Canby as his successor.

The two states which formed "Military District No. 2" gained nothing by the exchange of Sickles for Canby. The latter was much more sympathetic with the radicals and, therefore,

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[4] Quoted by Ashe, *History of North Carolina*, II, 1053.

[5] Quoted by Hamilton, *op. cit.*, 231-232.

"was much more esteemed by Holden & Company."[6] He constantly treated the civil authorities with contempt, made numerous removals and appointments to office without consulting Governor Worth, and repeatedly interfered with the civil courts, especially in cases involving negro criminals. Lawlessness increased rapidly as negro criminals found themselves shielded from punishment by the military, and conditions became so bad that in April, 1868, Canby was compelled to establish a provost court at Raleigh with jurisdiction over thirty-two counties. Under these circumstances relations between the whites and blacks became more strained and conservative people grew more and more bitter toward the military government. In January, 1868, Governor Worth gave the President "a narrative" of Canby's conduct, at which the President "exhibited disgust and indignation."[7] But by that time Johnson's own difficulties with Congress rendered him helpless to remedy the situation.

Organization of the State Republican Party

The real motive behind Congressional Reconstruction was the purpose of the radicals in Congress to assure the supremacy of the Republican party in the South. North Carolina radicals, under Holden's leadership, moved promptly to carry out their part of the program. On March 27, 1867, just sixteen days after Congressional Reconstruction became operative, delegates, white and black, from fifty-six counties, met at Raleigh to organize a state Republican party. The elements represented were the native "Holdenites," the carpet-baggers, and the negroes, who had been corralled by the Union League. A negro preacher opened the meeting with prayer, and the president was escorted to the chair by a white and a negro delegate. Whites and negroes, wrote the correspondent of the New York *Tribune,* mingled "on terms of absolute equality."

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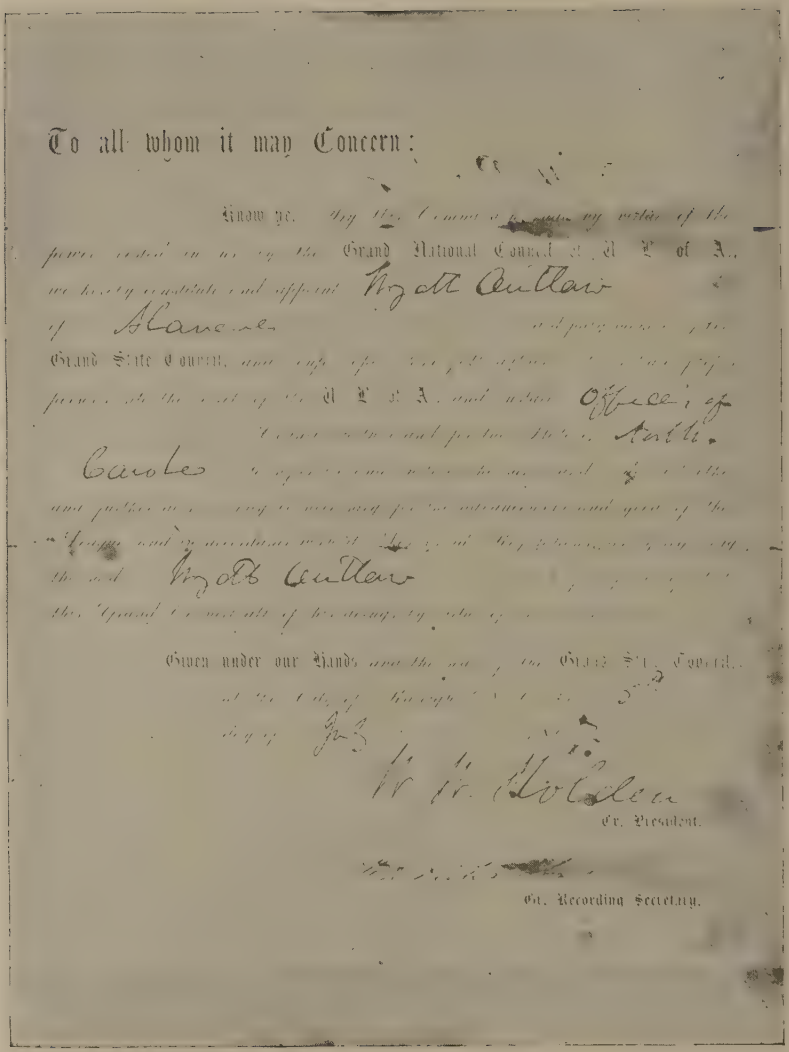
[6] Governor Worth to B. G. Worth, Oct. 25, 1867.—*Worth Correspondence,* II, 1061.

[7] Worth to Graham, Jan. 10, 1868.—*Worth Correspondence,* II, 1129-30.



To all whom it may Concern:

Know ye, ... the ... power ... vested in us ... the Grand National Council ... of A., ... constitute and appoint ... of ... Grand State Council, ... powers ... of ... and ... Grand ... and ... Given under our Hands ... Gr. President.

... Gr. Recording Secretary.

UNION LEAGUE COMMISSION

Holden was the dominant figure of the gathering. Other native whites were R. P. Dick, Thomas Settle, John Pool, Charles R. Thomas, Alfred Dockery, Daniel R. Goodloe, and B. S. Hedrick. The most active of the carpet-baggers was Albion W. Tourgee, recently of Ohio. The proposal to adopt the name of the Republican party was opposed by the conservative element, led by Goodloe and Hedrick, who urged that a name so odious in the South would discourage the cooperation of many desirable persons. The name Union party suited them better. But Holden knew his political onions too well to miss the chance of tying up with the national Republican organization; the name was adopted, a plan of organization agreed upon, the principles of the national party approved, and a call for a state convention was issued.

During the spring and summer party organization was effected in every county. Effective instruments in this work were secret political societies, the chief of which was the Union League. Organized in the North in 1862, the League was introduced into the South in 1866 by carpet-baggers and agents of the Freedmen's Bureau. Tourgee was its first president in North Carolina; in 1867 he was succeeded by Holden.[8] The primary object of the League was the organization and exploitation under white leadership of the negro vote. Its secrecy, its elaborate ritual, and its power made a strong appeal to the curiosity, the imagination, and the fear of the negroes, who joined it by the thousands. Its membership has been placed as high as 70,000. As a political society it was a great success;

[8] In his *Memoirs*, (p. 79), Holden wrote: "I was myself head of the League in this State, and the violations of law complained of were without my knowledge and against my orders. . . . The day before I took the oath of office of Governor in Capitol Square, I resigned my position as chief of the League in this State, because I could not have on my conscience my oath as Governor and at the same time an oath binding myself to a secret political society." Holden was succeeded as president of the League by M. S. Littlefield, "but the negroes generally were never told of the change and continued to regard Governor Holden as their head as long as the League lasted." As late as 1870, Holden boasted that "he had at his call and absolute disposal eighty thousand men."—Hamilton, *Reconstruction*, 336.

it bound the solid mass of negroes to the Republican party and lifted the carpet-bagger and the scalawag into positions of great profit and power. But it contained within itself the seeds of its own destruction, "for never were the members of a political organization so unfitted through ignorance for the privilege of suffrage."[9] Coming under the influence of evil and ambitious men, it soon became the source and inspiration of the idleness, crime and corruption which has made it the symbol of all that was evil in Reconstruction.

The first state convention of the new party was held in Raleigh, September, 1867. A majority of the delegates were negroes, who were controlled by their northern leaders. They elected Joseph C. Abbott, lately of New Hampshire, president, completely ignoring the claims of Alfred Dockery, who had expected to be chosen. The chief subjects discussed were the conscription of the property and proscription of the persons of their opponents, the disfranchisement of former rebels, and negro suffrage. The tone of the speeches was proscriptive, but the conservative element was strong enough to prevent any definite action on these questions, except to refer them to Congress. Goodloe declared the sentiment of the convention to be that "white men had no rights which black men are bound to respect." This convention perfected the state organization and prepared the way for the campaign of 1868.

The Republicans had got the drop on their rivals, who were too thoroughly at sea as to policies, plans, and organization to offer an effective opposition. Such opposition obviously must come from a combination of former Secession Democrats and Union Whigs. But not much was to be expected from the former. The Democratic party was comatose, its leaders in retirement, and its rank and file too dispirited to display any initiative. To effect a combination, therefore, some issue must be found of common interest in which both old parties could unite, of such paramount importance as to overthrow former partisan prejudices, and of sufficient emotional appeal to arouse the Democrats from their moribund condition. Upon the old Whigs,

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[9] Hamilton, *History of North Carolina*, 99.

who were in control of the state government, fell the responsibility of leadership, but they were badly handicapped by wide differences of opinion as to the proper course to pursue. The *Sentinel* wished to organize the new party on a basis of a qualified negro suffrage, and favored the proposed constitutional convention. Governor Worth was opposed to a new party, and although he urged the people to register and vote on the convention question, he offered no advice as to how they should vote.[10] B. F. Moore favored a convention, but declined to take part in any new party movement. The voice of William A. Graham, the most influential conservative in the state, was raised against both negro suffrage and the proposed convention.

Discussion, however, cleared the atmosphere. Out of it emerged two propositions on which the great majority of Whigs and Democrats alike could stand—opposition to negro suffrage and denial of the constitutionality of the whole plan of Congressional Reconstruction. However, two attempts in 1867 to organize a party on these propositions failed, and the Conservatives, dispirited and disorganized, went into the convention campaign of that year foredoomed to defeat.

Convention of 1868

Registration of voters under the Reconstruction Acts was begun in August under Sickles and continued under Canby. On October 18 Canby declared it complete and designated November 19 and 20 as election days. The registration showed the following results:

Whites	106,721
Blacks	72,932
Total	179,653

Negroes were in the majority in nineteen counties. Many whites had registered with the intention of voting for Conservative delegates and against the Convention, but their plan was frus-

[10] Governor Worth was strongly opposed to the Convention.—*Worth Correspondence*, II, 1058.

trated by an order from General Canby that no votes for delegates be counted unless accompanied by votes on the convention question. Thousands of white voters therefore remained away from the polls. Their course was a clear case of cutting off their noses to spite their faces, for while their votes would not have defeated the Convention, they certainly would have greatly increased the Conservative representation in that body. The results of the poll showed:

Registered voters	179,653
Votes for Convention	93,006
Votes against Convention	32,961
Total votes cast	125,967
Not voting	53,686

The Republicans swept the state, and the next day the *Sentinel* came out in advocacy of a white man's party in North Carolina.

The Convention, characterized by Deweese as "that assemblage of corrupt and doubtful representatives," met at Raleigh January 14, 1868. It was composed of 107 Republicans and 13 Conservatives. Of the former, 18 were carpet-baggers, 15 were negroes. From New Hampshire came Joseph C. Abbott, from Ohio Albion W. Tourgee and John R. French, from Massachusetts Byron Laflin and S. S. Ashley, from Connecticut H. L. Grant, and from Minnesota David Heaton—as hungry a crowd of political cormorants as ever screamed and fought over the spoils of office. Prominent among the negroes were J. W. Hood, a preacher from Connecticut, A. H. Galloway, a native of North Carolina who had but recently returned from a sojourn in the North, and James H. Harris, born in North Carolina but educated in Ohio, who later sold a congressional nomination for $1,000. One scans the roll of native whites among the delegates in vain for a single name of political importance in the history of North Carolina. Chief among them were William B. Rodman, an able lawyer, and Calvin J. Cowles, whose political importance was derived solely from the fact that he was Holden's son-in-law. Although not a registered voter and ineligible even to membership, Cowles was elected president of the Convention.

The Conservative minority was too small to offer any effective opposition. It was ably led by Plato Durham and John W. Graham, whose chief object was the making of a record for future party purposes. They foresaw the future political importance of the negro question and by skillful tactics forced the Republicans to take a stand in favor of negro suffrage and miscegenation, and against the separation of the races in schools and in the militia. Many of the native white Republicans swallowed their humiliation with wry faces, and writhed under the ridicule of the Conservative press, which always designated the gathering as "the Convention (so-called);" while the colored delegates were infuriated at the practice of the opposition papers of printing the word "negro" after their names.

The Convention consumed a good deal of time in political, legislative, and financial matters. It granted divorces, redistricted the state for congressional representation, considered schemes for providing every citizen with a freehold, passed ordinances dealing with state finances, and adopted an ordinance for the purpose of admitting A. W. Tourgee to the bar without examination, so that he might have some excuse for serving on a commission with W. B. Rodman and Victor C. Barringer to prepare a code of civil procedure and practice. It sought the good will of the radicals in Congress by adopting a resolution thanking that body for the impeachment of President Johnson. Extravagance and corruption characterized its financial operations. It fixed the *per diem* and mileage at twice the rate of any previous North Carolina convention, and by winking at palpable frauds in the calculations of mileage paid to its members amounts greatly in excess of that allowed by law. It practiced similar frauds in the printing and in the purchase of supplies. The average daily cost of the Convention of 1868 was twice that of the Convention of 1865, three times that of 1861, and seven times that of 1835. But the items which made up these costs were petty graft, enjoyed only by the privates in the ranks; the leaders were more ambitious. A lobby, controlled by Milton S. Littlefield, with a liberal supply of money, procured the passage of ordinances authorizing the issuance of

state bonds to railroad enterprises to the amount of $2,750,000 and further pledging the aid of the state to a railroad from Lexington via Greensboro to Salem at the rate of $10,000 per mile. The corruption that accompanied these measures was noted and denounced by Conservative leaders on the floor of the Convention. Aside from politics and graft, the attention of the Convention was given chiefly to the drafting of a new constitution. This work completed, and provision made for an election in April under military supervision, "the Convention (so-called)" adjourned on March 17.

The Canby Constitution

The new Constitution, often called the "Canby Constitution," made a complete break with the past. In many respects, it is a more liberal document than the Constitution of 1776, and despite obvious defects is better adapted to the needs of a modern state. Many of the changes were in line with the development of democracy. Chief among them were the abolition of slavery, the removal of all sectarian tests for office-holding, the popular election of all state and county officials, judicial as well as executive, the overthrow of the life tenure of judges, the forbidding of any property qualification for suffrage and office-holding, and the reservation to the people of all powers not specifically delegated. Had the Convention stopped with these changes, its work would have deserved the commendation of posterity. But unfortunately, it was composed of men either ignorant or defiant of the history, traditions, and sentiments of the community for which they were framing a government; and in the name of democracy they incorporated into the new Constitution other features that did violence to the most deeply rooted convictions and prejudices of the majority of the people. The conferring of unrestricted suffrage upon the unfittest in the state without providing sufficient means for their training in self-government invited disaster, and this effort to force the forms of democracy upon a people ignorant of its essence arrested the political, material, and intellectual development of the state for at least a generation.

Numerous changes were made in the frame and machinery of government, many new provisions were introduced, and every subject was treated in much more detail than in the Constitution of 1776. In the Legislative Department the name of the House of Commons was changed to House of Representatives. Senatorial districts, which since 1835 had been based on property, were henceforth to be based on population; an age qualification of at least twenty-five years, and a residence qualification of at least two years as a citizen were required of a senator; and the lieutenant-governor, a newly created official, was to be the presiding officer of the Senate. Henceforth members of both Houses must subscribe an oath of allegiancce to the United States government before taking their seats.

In several important respects the Legislature's financial powers were restricted. Except to supply a casual deficit, or to suppress invasion or rebellion, it was forbidden to contract any new debt until the bonds of the state were at par, "unless it shall in the same bill levy a special tax to pay the interest annually"; nor could it pledge the credit of the state except to railroads already begun or in which the state had a direct financial interest, unless the proposal was approved by the voters at the polls. The taxing power of the Legislature was limited by the provision that it should levy a capitation tax which should equal per head the tax on property valued at $300 in cash, but the capitation tax was never to exceed two dollars. The proceeds of the capitation tax were dedicated to education and charity.

To the Executive Department were added four new officials—a lieutenant-governor, an auditor, a superintendent of public works, and a superintendent of public instruction. Popular election was provided for all executive officials, and their term of office was increased from two to four years. The residence requirement for the governor was reduced from five to two years; in addition to the power of pardoning he was given the power of commutation; and he was declared ineligible to succeed himself. The elective Council of State was replaced by a council consisting *ex officio* of the secretary of state, the auditor, the treasurer, the superintendent of public works, and the superintendent of public instruction.

Profound changes were made in the organization and procedure of the courts. County courts were abolished and most of their former functions conferred on the county clerks. The number of Superior Court judges was increased from eight to twelve; the Supreme Court was to consist of a chief justice and four associate justices; all judges were to be elected by popular vote, and their life tenure was reduced to a term of eight years. Distinctions between actions at law and suits in equity, and all forms of action except the civil suit, were abolished; feigned issues were prohibited and the facts at issue must be tried by order of court before a jury; and a commission was created to draft a code of civil procedure in accordance with these provisions. These changes in the judiciary aroused bitter complaint and opposition among the older lawyers many of whom voted against the new Constitution because of them.

The system of county government also underwent radical changes. The old county court was abolished. In each county a treasurer, a register of deeds, a surveyor, and five commissioners, and in each township two justices of the peace, were to be elected biennially by popular vote. Sheriffs, clerks of the court, and coroners, formerly chosen by the county court, were also to be popularly elected. Upon the county commissioners was conferred the power of "general supervision" over the county penal and charitable institutions, education, roads and bridges, and finance. The power of counties and other municipal corporations to contract a debt, without a popular vote, was limited to "necessary expenses"; all county and municipal taxation must be uniform and *ad valorem*; and no municipal corporation was to pay any debt contracted in aid of rebellion.

In its provisions concerning social and political matters, the new Constitution embodied the results of the social developments since 1815, which have already been discussed, as well as the ideas of the new era ushered in by Appomattox. It declared it to be the duty of the state to provide "a general and uniform system of public schools, wherein tuition shall be free to all the children of the State between the ages of six and twenty-one years" and directed that the University of North Carolina should be "held to an inseparable connection with the free public-school

system of the State." It asserted that the object of punishment for crime was "not only to satisfy justice, but also to reform the offender," and that the care of the unfortunate, the poor and the orphan was among "the first duties of a civilized and Christian State." Accordingly it made provisions for a public school system, introduced a more humane spirit into the criminal law and modified punishments for crime, and provided for a system of public charities. Politically, too, the document reflected the ideas of the new day. It provided for universal manhood suffrage and abolished all qualifications for office-holding except that of being a voter. Certain classes—atheists, persons convicted of treason, perjury, or other infamous crimes, or of corruption or malpractice in office, and duelists—were disqualified from holding office; but any person coming under any of these classes, except atheists, might be restored to the rights of citizenship by the proper legal process.

Readmission to the Union

The new Constitution was submitted to the voters at a general election to be held April 21-23, inclusive. Its ratification formed the chief issue between the two parties, both of which held nominating conventions before the Constitutional Convention had completed its work.

In the Republican convention carpet-baggers and negroes played a controlling part. A "very illiterate negro" was elected vice-president.[11] The convention nominated Holden for governor and placed three carpet-baggers on the ticket with him. Chief Justice Pearson, Judge Reade, Robert P. Dick, W. B. Rodman, and Thomas Settle were nominated for the Supreme Court. The convention endorsed Congressional Reconstruction in its entirety and adopted a resolution introduced by a carpet-bagger: "That it is the sense of this convention that rebels should not be enfranchised indiscriminately." Negroes and carpet-baggers were even more prominent in the county and congressional conventions than in the state convention. Nineteen negroes were

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[11] Ashe, *History of North Carolina*, II, 1068.

North Carolina Reconstruction Supreme Court

R. M. Pearson — E. G. Reade

Thomas Settle

W. B. Rodman — R. P. Dick

nominated for the Legislature. Two carpet-baggers and one negro were nominated for Congress, but the negro sold his nomination to John T. Deweese, a carpet-bagger, for $1,000. Deweese was elected but subsequently expelled from Congress for selling a cadetship to West Point.

The convention of the opposition was held at Raleigh, February 6. It was composed chiefly of former Whigs, but several distinguished Democrats were in attendance, drawn from their retirement by the emergency presented by the menace of negro suffrage. The spectacle of Weldon N. Edwards, successful Secession Democratic candidate for the presidency of the Convention of 1861, fraternizing with William A. Graham, his defeated Union Whig rival, gave assurance to the conservatives of both the old parties of the death and burial of ante-bellum political differences. Declaring their conviction that the time had come to "waive all former party feeling and prejudice," they now united to form a state Conservative party, declared their purpose to cooperate with the national Democratic party, and elected delegates to the Democratic national convention.

Upon taking the chair as presiding officer, Graham, in one of the greatest speeches of his career, urged the convention to raise boldly the standard of white supremacy. The convention accordingly adopted resolutions which affirmed devotion to the Constitution of the United States, denounced the Reconstruction Acts as unconstitutional, and proclaimed opposition to unrestricted negro suffrage. The Conservatives took a firm stand against the ratification of the new state Constitution. They objected to the extension of suffrage to negroes, to the apportionment of representation in both Houses of the Legislature on a strict population basis with no recognition of the rights of property, and to the popular election of judges for a term of years; they criticised it for the omission of a test for office-holding, for not prohibiting mixed schools and mixed marriages, for not separating the two races in the militia, for opening the State University to negroes, and for numerous other "radical" provisions. But more fundamental than any of these objections was the Conservative contention that the Convention which sub-

mitted the document was itself an unconstitutional body and their unwillingness to sanction its acts.

The new party felt that the defeat of the Constitution was more important than the election of the state ticket, and accordingly made nominations for office with that object in view. The selection of candidates was left to the executive committee. Vance was the popular choice for governor and the committee offered him the nomination, but being convinced by Governor Worth that he could contribute more to the "genuine object" of the campaign—the defeat of the "radical Constitution"—if he canvassed against it "under the *appearance* of entire disinterestedness," he declined.[12] The committee then selected Thomas S. Ashe, a man of fair ability but of little political experience; indeed, his lack of a political record was regarded as an asset and was one of the reasons for his selection. Even the *Standard* could find nothing in his career at which to aim "an indecorous remark."[13] For the Supreme Court the committee selected Pearson and Reade, who were also nominated by the Republicans, and W. H. Battle, M. E. Manly, and A. S. Merrimon.

The campaign which followed greatly increased political bitterness in the state and still further accentuated the rapidly growing race antagonism. Secret political societies were active. On the Republican side the Union League, with Holden as president and the negro James H. Harris as vice-president, rounded up the negro vote *en masse*. On the Democratic side the Ku Klux Klan made its first appearance in the state. The new registration which had been ordered showed 117,428 white voters, 79,444 negro voters. Thousands of whites, unwilling to vote for the new Constitution which they believed had been unconstitutionally forced upon the state, but convinced that its defeat would result in still more restrictive legislation by the radical Congress, remained away from the polls. This fact,

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[12] See Worth's letter on the subject to Vance, March 2, 1868.—*Worth Correspondence*, II, 1167-69.

[13] Ashe, *History of North Carolina*, II, 1070. Worth persuaded Vance to decline the nomination and accepted Ashe as "an old Union Henry Clay Whig," "but the substitution of his name for yours," he wrote to Vance, "will not help us."—*Worth Correspondence*, II, 1174-75.

together with the vote of the solid mass of eighty thousand negroes, assured a Republican victory. The Constitution was ratified by a vote of 93,084 to 74,015 (29,773 voters, mostly whites, refusing to vote), and Holden was elected by a vote of 92,235 to Ashe's 73,594.[14] The Republicans carried six of the seven congressional districts and 58 out of the 89 counties. A majority of those elected to office were still under disabilities.

It remained only for Congress to approve the new Constitution and remove the disabilities of the newly-elected officials for North Carolina to take her place again in the Union. With the assurance of Republican control in the state, Congress moved rapidly to complete the process of restoration. On June 25 it gave its approval to the Constitutions of North Carolina and five other southern states and provided for the admission of their senators and representatives as soon as their legislatures ratified the proposed fourteenth amendment; upon the condition, however, that none of them should ever so amend its Constitution as to deprive any citizen, or class of citizens of the United States entitled to vote under that Constitution, of the right of suffrage.

The act directed Governor-elect Holden to summon the Legislature at once and he called it into session July 1. By instruction of General Canby, Judge Pearson, on June 30, qualified as chief justice before a United States commissioner, and then notified Governor Worth that he would the next day administer the oath of office to Holden. Upon Worth's intimating that he might refuse to surrender his office, a military order was promptly issued ejecting him. On July 1, Holden, having taken the oath before Chief Justice Pearson, demanded the office, which Worth yielded after placing on record a vigorous protest. He did not, he declared, recognize the validity of Holden's election, but surrendered under "military duress, without stopping, as the occasion would well justify, to comment upon the singular coincidence that the present State government is surrendered as without legality to him whose own official sanction, but three years ago, proclaimed it valid."[15]

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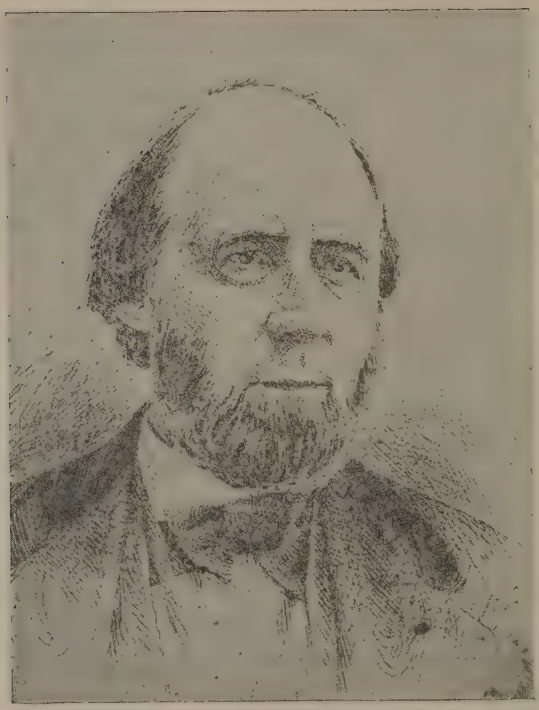
[14] *North Carolina Manual*, 1913, 1001-1002, 1016-18.

[15] Worth's protest is given in full in Hamilton, *Reconstruction*, 290-291.



William W. Holden

Holden was inaugurated July 4. In the meantime on July 2 the Legislature had ratified the fourteenth amendment and General Canby had directed that military interference with the civil government should cease. Between July 6 and July 20 the North Carolina senators, Joseph C. Abbott and John Pool, who had been elected over Graham and Manly, and her seven representatives were admitted to their seats in Congress.

Republicans in Power

Nobody realized more keenly than Holden the flimsiness of the structure on which his power rested. The materials with which he had to work were the poorest sort and the obstacles in his way were enough to daunt the staunchest heart. Ninety per cent of those whose votes had placed him in power were illiterate ex-slaves, just out of bondage. The white colleagues upon whose advice he had to rely were either native sons who were generally distrusted by the white people as recreants, or strangers, the measure of whose interest in the state was the amount of plunder it would yield. Moreover, the vast majority of those who represented the property, the intelligence, and the patriotism of the community regarded him as an unscrupulous time-server and denounced his government as a usurpation. He knew only too well that his supporters would desert him the instant he ceased to be useful to them, and that his enemies would destroy him as soon as they had the power. No sooner was he inaugurated, therefore, than he set himself resolutely to placate the one and crush the other. To secure his position he distributed offices liberally among the negroes without regard to their qualifications, and although himself honest in money matters, deliberately closed his eyes to the conscienceless pillaging of the state by his carpet-bag counsellors; and he undertook to strike terror into the ranks of his critics by a ruthless use of the military power.

Extravagance, incompetence, and corruption characterized every branch of the Republican administration. Despite the bankrupt condition of the state treasury, official salaries were higher than they had ever before been in the history of the state;

the clerical forces of the several state departments were increased beyond any necessity for the gratification of hungry spoilsmen; and the "contingent expenses" of the state government were more than doubled over what they had been in 1867. Graft, peculation, and fraud permeated the public service. The secretary of state and the superintendent of public instruction were admittedly corrupt. The state treasurer though personally honest lent himself as a tool to the corrupt Littlefield-Swepson ring. The superintendent of public works was read out of the party for protesting against the frauds of his colleagues.

The individual chiefly responsible for the conditions was Governor Holden. Nobody ever accused him of personal dishonesty in money matters. Bitterly partisan and inordinately ambitious for political power, he committed his future into the hands of "the corrupt gang of aliens who infested the state and surrounded him" and played upon his ambition while they pillaged and plundered at will. Not once did he lift his hand to protect the state from these associates; on the contrary, he afforded them the opportunities they sought by placing them in important official positions. He appointed Byron Laflin state proxy in the North Carolina Railroad Company, procured the election first of George W. Swepson and later of Milton S. Littlefield as president of the Western Division of the Western North Carolina Railroad, and approved of the election of William Sloan as president of the Wilmington, Charlotte, and Rutherford Railroad and of Andrew Jackson Jones as president of the Western Railroad; and he entrusted all of these men with the handling of millions of dollars worth of state securities well knowing the fraudulent character of their operations.

Character of Republican Rule

The corruption of the period reached its climax in the Legislature of 1868. The Legislature met in special session from July 1 to August 24. In the Senate the Republicans had a majority of twenty-six, in the House a majority of forty. At least twenty of them have been identified as carpet-baggers, and nineteen as negroes. The Republican majority was increased

by the rejection of nine Conservative senators and ten Conservative representatives on the ground of ineligibility under the proposed fourteenth amendment, which had not yet been ratified, although all Republicans similarly disqualified were seated. Tod R. Caldwell, North Carolina's first lieutenant-governor, presided over the Senate, and Joseph W. Holden, the governor's son, was elected speaker of the House. It is interesting to note the fact that the clerk of the House was John Henry Boner. A few statutes, some of which were necessary for carrying into effect certain provisions of the new Constitution, were passed, but little legislation of importance was enacted; the members were chiefly interested in politics, *per diem* and mileage, and other items of petty graft.

The campaign of plunder inaugurated at the Convention was continued in the Legislature, but it was now systematized under the direction of a well-organized ring. Its directing genius was Milton S. Littlefield, a New York carpet-bagger, whose "readiness to make loans to needy statesmen with no expectation of being repaid, made him the idol of the carpet-baggers and corrupt scalawags";[16] its paymaster was a native of the state, George W. Swepson, director of the Raleigh National Bank, who supplied Littlefield with funds; and its floor-manager was Byron Laflin, carpet-bag representative from Pitt County. But practically all the carpet-bag leaders and some of the native Republicans were either members of the ring, or its beneficiaries.

The ring's methods beggar description. They embraced lavish entertainments, the free distribution of liquor, the services of prostitutes, and open and unblushing bribery. The "era of corruption" which now set in, writes Rhodes, himself a witness of the scenes he describes, "was an entire novelty in the Old North State that previously had not on record a case of malversation in a member of the General Assembly."[17] In the west wing of the Capitol, Littlefield set up a bar, popularly called "the third house," from which he furnished legislators cigars, wines, and whisky in exchange for votes. From Swepson he procured

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[16] Hamilton, *History*, 120.

[17] *History of the United States*, VI, 305.

in cash a corruption fund of $66,000; payments totaling $134,000 have been traced to seventeen Republican leaders including Representative Laflin, Speaker Holden, Judge Tourgee, Congressman Deweese, and United States Senator Abbott. Beyond debauching the Legislature for future purposes, the ring attempted but little at the special session; its leaders seem to have thought it wise to postpone major operations until the November election should assure them of a Republican national administration.

The Grant-Seymour campaign of 1868 was notable in North Carolina chiefly for the political activities of Republican judges and the terrorist policy adopted by the Republican leaders. Before 1865 the judicial office had never been regarded in North Carolina as a political spoil, and judges scrupulously kept out of politics. But the Reconstructionists had proclaimed "a new order," and respect for tradition was not part of it. In 1868 the Republican press boasted that Supreme Court Justices Reade, Dick, Rodman, and Settle, and Superior Court Judge Tourgee would attend the Republican state convention and engage actively in the campaign, but the reaction of the press and the bar was such that the Supreme Court justices thought better of the plan. Tourgee, however, was not to be deterred; he not only attended but acted as chief marshal of the convention, and during the campaign served on the Republican state executive committee, and delivered stump speeches from the bench. Other Superior Court judges followed his example. While Conservatives bemoaned this besmirching of the judicial ermine, they expected no better of carpet-bag judges; but all who gloried in the traditions that clustered around the names of Taylor, and Henderson, and Ruffin, and Nash, wept at the degradation of the court when Chief Justice Pearson "rushed into the mad contest of politics" to issue a public address, of which the Republicans printed 50,000 copies, urging Conservatives to vote for Grant. However, Pearson was not alone in offending. Judge Reade stooped to become co-author with John Pool of a campaign circular, which has been characterized as "the most incendiary document ever published in North Carolina," in which they threatened the whites with the vengeance of the blacks unless

they ceased their opposition to the Republican administration.[18] This address, signed by eighty-eight Republican legislators, "was a deliberate step in the policy of terror adopted by the Republican party in North Carolina."[19]

Such a policy had been clearly foreshadowed by Holden in his special message to the Legislature, July 17, asking for an additional force of militia to overawe the opponents of his administration. The Legislature voted the troops, the governor raised and organized them, and his carpet-bag adjutant-general armed them with rifles secretly borrowed from the state of Vermont. Many United States troops, some of them negroes, were stationed in the state, and in September Holden asked for permission to distribute them at his discretion, stating that it was necessary "to inspire a salutary terror" in the people; and when his request was refused the *Standard*, which Littlefield had recently purchased from Holden for $30,000, editorially urged Republicans to organize, arm, and drill in preparation for the election. "Go to the polls," Speaker Joe Holden is reported to have advised the delegates at the Republican state convention, "armed with guns, pistols, and bludgeons, and vote. Implore the God of turpentine to shower down torches or flames upon the dwellings of the rebels."[20] Throughout the campaign the *Standard* filled its columns with inflammatory appeals to the negroes designed to terrorize the whites. On September 19, appeared an editorial entitled "Work," which advised Republican workers, regardless of color, in canvassing the state, to "go after the women." "Don't be afraid of their eyes," it advised encouragingly; "they glare like young leopards by daylight, but under the moon no blue, death-stricken fawn is half so tender or half so deep. Don't read Judge Pearson's letter to them, but give them Byron and Shelley in volumes, and you will have them in your arms, if not in your party, in less than a week."[21]

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[18] Hamilton, *History*, 117.

[19] *Ibid, loc. cit.*

[20] Holden denied that he had given such advice.—Hamilton, *Reconstruction*, 367 n.

[21] The editorial is quoted in full in Hamilton, *Reconstruction*, 369-370.

Despair, not terror, made the Conservatives apathetic. Entering the campaign hopeful of a Conservative reaction in the North against the radical program, they lost their enthusiasm when that reaction failed to materialize. The election passed off quietly. There was a great deal of illegal voting by negroes, which was unchecked by the authorities, and Grant, accordingly, carried the state by a majority of 12,640 over Seymour. The Conservatives managed to elect two of the seven congressmen, but lost one of them when the Republican secretary of state, Menninger, with Holden's knowledge, withheld the certificate from Plato Durham and three months later issued it to his defeated Republican opponent.

Pillage and Plunder

When the Legislature met in regular session, November 16, the orgy began in earnest. The ring overlooked no item of petty graft known to the legislative mind; it practiced notorious frauds in the *per diem* and mileage accounts of legislators, in the purchase of supplies, in the public printing, and in the location of a penitentiary, but its interest centered chiefly in railroad legislation. This field had already been prepared for cultivation. That the rehabilitation of the state's transportation facilities must precede general economic revival was clearly beyond dispute, and the success with which the policy of state aid to railroads had been followed before 1860 seemed to point with equal clearness to the wisdom of continuing that plan. The ring accordingly seized upon the state aid idea to conceal the real character of their operations and to use honest men as tools to accomplish their evil purpose. Their operations embraced the cutting in two of existing railroads, the reviving of defunct companies, and the chartering of fictitious corporations. Thus new railroad offices with juicy salaries attached were created, the state's stock subscriptions vastly increased, and state bonds running into millions authorized. Nothing could be more simple than the plan of operation agreed upon. The railroads were to apply to the Legislature for state aid, the ring to put through the necessary measures for ten per cent of the proceeds of each bond

issue, and the bonds authorized were to be turned over to the railroad officials to be sold for whatever prices could be obtained. Agreements were made "on behalf of companies not yet chartered, for railroads of which the public knew nothing, corporations created merely to support appropriations";[22] and in every case the state was left to hold the bag. Much of the bond legislation was unconstitutional; all of it was tainted with fraud. Some of the bonds were excluded from the New York Stock Exchange for that reason; others placed on the Exchange declined so rapidly in price that in May, 1870, the Exchange refused to list them further.

Obviously it is impossible in such a narrative as this to follow the operations of the ring step by step; a few illustrations of its work must suffice. New railroads were incorporated and the state's credit to the amount of $7,850,000 pledged in aid of them, in violation of Article V, Section 5 of the new Constitution; but before they could be disposed of the hands of the spoilers were stayed, in two cases by opinions of the attorney-general, in another by a decision of the Supreme Court, pronouncing the acts unconstitutional. Railroad bonds to the amount of $2,300,000, authorized at the special session, were excluded from the New York Stock Exchange as fraudulent; at the regular session Swepson paid the ring through Littlefield $240,000 to procure an act providing for new issues to protect the old, but the Supreme Court subsequently declared it unconstitutional. The ring had the Western North Carolina Railroad divided into two sections, its capital increased from $6,000,000 to $12,000,000, and the bankrupt state pledged to take two-thirds of it. Bonds to the amount of $6,367,000 were voted to the Western Division; the net proceeds of the sale of these bonds amounted to $1,909,486. Swepson misappropriated the larger part of this sum, using $843,633 of it for his railroad operations in Florida.[23] The proceeds of a $4,000,000 bond issue to the Wilmington, Charlotte and Rutherford Railroad, William Sloan president, were

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[22] Ashe, *History*, II, 1092.

[23] See Brown, C. K., "The Florida Investments of George W. Swepson" *(N. C. Historical Review*, vol. V, no. 3, July 1928, 275-288).

largely wasted or embezzled by its officials, the road receiving no benefit. To the Western Railroad, of which Andrew Jackson Jones was president, bonds to the amount of $1,500,000 were allotted; the proceeds amounting to $1,320,000, Jones squandered on prostitutes and gamblers in New York City.

One may follow the slimy trail of the plunderers even into the judge's chamber. The Atlantic, Tennessee and Ohio Railroad had a bill introduced providing for state aid through a bond issue amounting to $2,000,000. William Sloan and Byron Laflin, members of the Swepson ring, feigned opposition and were bought off for $20,000 each. After the passage of the bill, Deweese gave Judge Samuel Watts $5,000 for an injunction against the issuance of the bonds; and the railroad employed Littlefield to effect a compromise which cost the railroad $163,000, which was the object of the suit.

On January 1, 1868, the total taxable property in North Carolina was $130,000,000 and the total state debt was $13,724,000, on which approximately $2,000,000 of interest was due. The Legislature of 1868-69 authorized the issuance of additional bonds to the amount of $27,850,000. The effect on the credit of the state was disastrous. In January, 1868, the old bonds of the state were selling at 70; by January, 1869, they had fallen to 62, and a year later to 40; the new bonds, which found a market in January, 1869, at 73, could be bought in April, 1870, at 21. It should be noted that the state did not itself market these bonds through its properly constituted authorities; the bond acts directed the state treasurer to prepare the bonds and turn them over to the officials of the railroads concerned, who sold them for whatever prices they could get. Apparently the state officials made no effort to keep a check on these operations, or to supervise the expenditure of the proceeds, which the railroad officials generally used as their personal assets.

In these bond acts the Legislature paid scant respect to the provisions of the new Constitution. That document, as stated above, contained a clause forbidding the Legislature, until the bonds of the state were at par, to create any new debt, except to meet a casual deficit or to suppress invasion or insurrection, "unless it shall in the same bill levy a special tax to pay the in-

terest annually." Another clause of the Constitution limited the state tax to 66 2/3 cents on the $100 valuation of property. The Constitution also forbade the Legislature to lend the credit of the state to any new enterprise, except to railroads already begun, or in which the state had a direct interest, unless the proposition was submitted to the approval of the voters. In a few cases the violations of one or the other of these provisions were so patent that millions of bonds authorized were never issued. None of the proposed issues was ever submitted to popular vote, and the special taxes levied for the payment of interest carried the state tax far above the constitutional limitation. The special taxes alone amounted to 66.83 cents on the $100 valuation; when added to the taxes levied for the ordinary expenses of the state government, they ran the rate up to $1.0183.[24]

The unconstitutionality as well as the fraudulent character of the bond acts was loudly proclaimed by members of both parties on the floor of both Houses, and also in the press, thus putting the world on notice that the bonds would never be paid. No speculator purchased a North Carolina special tax bond in ignorance of the fact that it was regarded by the intelligent, responsible people of the state as both fraudulent and unconstitutional! There was general talk of repudiation before the Legislature adjourned in March, 1869, and during the summer, as the people came to understand what had been done their resentment became strong and unmistakable. The carpet-bag Legislature of 1868 re-convened in the fall of 1869 a chastened body. "The credit of the state was gone, all resources were taxed to their utmost, and there was nothing for the corrupt to exploit; nothing to steal. The haughty and proscriptive spirit displayed by the majority had disappeared, and the hitherto despised minority began to assume importance, as the majority of a rapidly approaching tomorrow which would bring a reckoning. In consequence, unity departed from the Republicans, and, during most of the session, the Conservative minority drove before them the badly demoralized majority."[25]

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[24] Nash, Frank, *The Special Tax Bonds of North Carolina and Their Repudiation*, 6-7.

[25] Hamilton, *Reconstruction*, 400.

The third session of the Legislature was largely spent in undoing the work of the first and second sessions. A bill declaring valid the bonds previously issued and condemning repudiation was defeated. Acts were passed requiring railroad officials to render an accounting for all bonds received, to surrender those not yet disposed of, and to turn into the state treasury all unexpended money received from the sale of bonds; and all acts in aid of railroads were repealed. A commission was created to make a thorough investigation into all bond transactions. The total amount of bonds authorized was $27,850,000; of this amount, $10,190,000 were never issued, and $4,345,000 were returned to the state. The total addition to the state debt, therefore, was $13,315,000, for which the state could not show a single mile of railroad!

Efforts were subsequently made to recover the funds misappropriated and to punish the criminals, but without success. Littlefield escaped to Florida. Swepson was indicted but never brought to trial. Sloan and Jones were tried and convicted but were saved by appeals to the Supreme Court which reversed the decisions of the lower courts on technicalities. In a second case Jones was convicted and sentenced to ten years imprisonment, but died pending an appeal of his case to the Supreme Court. Many of the carpet-baggers left the state, never to return. "You are coming back, General?" somebody asked Laflin, as he was leaving Raleigh after the adjournment of the Legislature. "Is there anything to come back for?" he replied with a leer. "The rats were deserting the sinking ship."[26]

[26] Hamilton, *op. cit.*, 490.

Part IV

REBUILDING
1876-1925

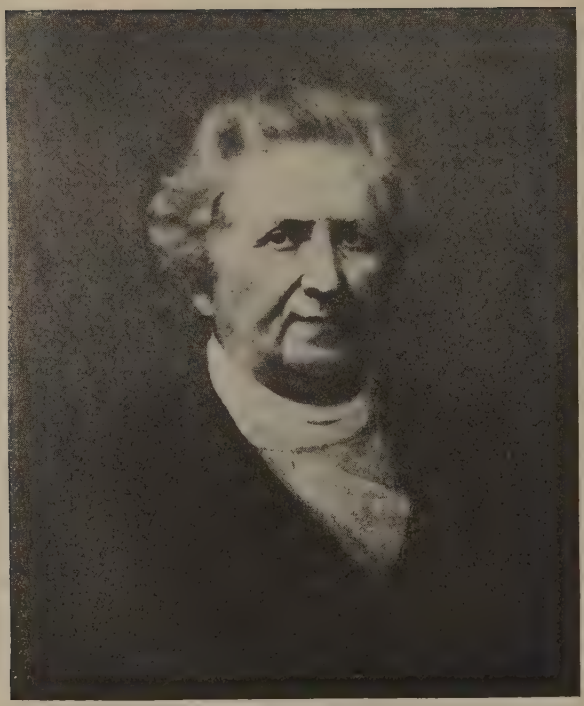
CHAPTER XXXVIII

THE RESTORATION OF HOME RULE

With the adjournment of the Legislature in April, 1869, a strong public reaction set in against the carpetbag-negro régime. The current of opposition ran at first within the narrow confines of a single profession, but soon, fed by the pent-up floods of popular indignation and wrath, it overflowed those banks, spread out over every section of the state, sometimes seeking outlet through illegitimate channels, until it reached a flood stage that swept the spoilers from their places of power and pillage.

The Bar and the Press

An important factor in this movement was the bar. In every crisis of her history, North Carolina has turned to the legal profession for her public leaders, and never was that profession stronger or more worthy of public confidence than during the Reconstruction Era. The first decisive check to carpet-baggism came from a noble and eloquent protest of the North Carolina bar against the degradation of the judiciary under the carpetbag-negro government. The judiciary had long been the pride of intelligent North Carolinians; it was the one branch of the state government that had always stood above party, which had attracted the best talent of the state, and had enhanced the reputation of the state abroad as well as at home. But a different tale must be told of the judiciary of the Reconstruction period. Most of Holden's magistrates were incompetent and ignorant, some were actually illiterate, and others corrupt. The Superior Court reached the lowest level in its history. One of the judges was a notorious drunkard and a moral degenerate; another was ignorant and unblushingly corrupt; most of them were men of little ability and less learning; and all of them dabbled in politics.



William E. Pell

The character of their service is sufficiently indicated by the fact that their decisions in seventy out of 114 cases heard on appeal by the Supreme Court at the spring term of 1870 were reversed. The Supreme Court itself was composed of able and learned judges, but all of them were active in partisan politics.

The bar took the leadership in arousing public sentiment against the political activities of the judges. Following the campaign of 1868, B. F. Moore, universally regarded as the head of the bar in the state, prepared a protest, procured the signatures of 108 lawyers, and on April 19, 1869 published it in the *Sentinel.* The lawyers declared that they had been painfully shocked at the humiliating spectacle of seeing a Supreme Court judge "throwing aside the ermine, rush into the mad contest of politics under the excitement of drums and flags," and declared that "a judge who openly and publicly displays his political party zeal renders himself unfit to hold the 'balance of justice.' "[1] Stung to the quick, Judge Pearson cited twenty-five of the signers for contempt, but so universal was the approval of the action of the bar by the people and the press that he did not dare enforce the rule. The conduct of the chief justice was a sorry spectacle, as injurious to the Republican party as to the Court.

The bar found a powerful ally in a revived Conservative press. Leading Conservative newspapers were the Wilmington *Journal,* the Charlotte *Democrat,* the Tarboro *Southerner,* and especially the Raleigh *Sentinel.* The *Sentinel's* location at the capital gave it the opportunity of leadership of the Conservative press, but its influence was due primarily to its editor, Josiah Turner, who purchased it from William E. Pell and assumed editorial control in December, 1868. Theretofore the "Conservative leaders had been quiet spectators of proceedings they could not halt";[2] Turner's entrance into journalism marked the beginning of a new policy. Passive resistance now gave way to the most aggressive type of political warfare, and the *Standard* soon found more than its match in the *Sentinel.* In ability to use effectively

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[1] The protest is printed in full in Hamilton's *Reconstruction in North Carolina,* 390-391.

[2] Ashe, *History of North Carolina,* II, 1087.

the weapons of editorial warfare, Turner stands without a superior in the history of North Carolina. To unflinching courage and tenacity of purpose, he united ardent enthusiasm, bold imagination, and calm self-possession. He had no respect for the niceties and proprieties of life, and with an uncanny insight into the foibles and weaknesses of his opponents he coined for each of them

JOSIAH TURNER, JR.

an apt nickname that covered him with ridicule and laughed him out of court. Moreover, he had unrevealed sources of information from which he learned the most confidential secrets of the inner circles of the Republican ring and the accuracy of detail with which he exposed them, made his enemies fear him only less than they hated him. Perhaps no man of equal importance in the history of North Carolina has combined greater capacity for destruction with less capacity for construction. He was one of

those men who rise rapidly to fame and influence in times of confusion, turbulence, and danger, but who, upon the restoration of order, sink as quickly into obscurity. His genius was ideally adapted to the conditions that prevailed from 1868 to 1870, and "to him more than to any other man belongs the credit for the speedy overthrow of Reconstruction in North Carolina."[3]

The Ku Klux Klan

Other important agencies in this work were secret societies, the chief of which were the White Brotherhood, the Constitutional Union Guard, and the Invisible Empire, or Ku Klux Klan. These three orders existed side by side, often with the same members and same officers, and with identical purposes. It was impossible to distinguish between their membership and activities, and both in contemporary and recent literature all three are generally included under the name Ku Klux Klan. It is in this inclusive sense that that name is used in this discussion.[4]

This order seems to have originated in Tennessee in 1865. Its original purpose was amusement. In pursuance of that object its members resorted to all sorts of ridiculous devices to afford entertainment for themselves and astonishment for their neighbors. A favorite prank was to appear before a superstitious black in the character of a ghost from some local battlefield. The frightened negro would drop on his knees and cry for mercy, or flee in terror. If he were overtaken, the ghost would drop a few words of warning in his ear, and then vanish, leaving the trembling victim to spread abroad tales of his terrifying experience.

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[3] Hamilton's *History of North Carolina*, 132. See also the biography of Turner by S. A. Ashe in *Biographical History of North Carolina*, III, 415-426.

[4] Dent, "Origin and Development of the Ku Klux Klan" (*Papers of the Trinity College Historical Society*, Series I); Pegram, "A Ku Klux Raid and What Became of It" *(ibid)*; Carlton, "The Assassination of John Walter Stephens" (*ibid*, Series III); Mrs. T. J. Jarvis, "The Ku Klux Klan" *(N. C. Booklet*, vol. I, no. 12); Connor, "The Ku Klux Klan and Its Operations in North Carolina" *(N. C. University Magazine, New Series*, vol. XVII, no. 5).

Repeated pranks of this sort revealed to the Ku Klux Klan that they had forged a powerful weapon for the control of insolent, obstreperous, and criminal negroes, and led to a radical change in the purposes and character of the order. Robbery, arson, rape, and other crimes of violence had become daily occurrences in the South under the Reconstruction governments, and the criminals were shielded from punishment by the Freedmen's Bureau and by courts controlled by the Union League. To meet this situation, the Ku Klux determined to convert their order into a band of regulators for protective purposes, and to carry it into every southern state. It was inevitable under the circumstances that it should become a political organization. Its membership was drawn almost entirely from the Conservative party; those against whom its activities were directed were generally Republicans. It was as natural, therefore, that the Klan should become associated with the Conservative party as that its great rival, the Union League, should be associated with the Republican party. The Klan took on its new character after the beginning of Congressional Reconstruction, and during the next two years developed throughout the former Confederate States that marvelous organization which spread terror among the negroes, undermined the power of the Union League, long defied investigation by both state and Federal authorities, and finally came to an end only when it had destroyed the conditions which had brought it into existence.

The Klan appears to have been introduced into North Carolina in 1867; it grew into power in the winter of 1868 and the spring of 1869. Finding fertile soil, it spread rapidly, ultimately covering at least twenty-five counties. Estimates of its membership reach as high as 40,000. William L. Saunders, though not himself a member, directed its larger political activities during the period of its greatest usefulness. That the Klan rendered great and lasting service to the prostrate state is indisputable. Wrongdoers, white and black, trembled at its name, "but the mass of the white people remained undisturbed and unafraid." It gave the white people an organization through which to work and restored their morale, which was in grave

danger of being destroyed by the immensity of their misfortunes; and thus it became an important agent in their social and political redemption.

The benefits of Klan activities, however, have been largely obscured by its lawless methods. They embraced warnings, intimidations, whippings, mutilations, and murder. From the reports of congressional investigating committees, Professor Hamilton has tabulated 260 such "visitations," as they were euphemistically called, charged to the Klan in twenty North Carolina counties, 174 of which were directed against negroes.[5] The reasons usually assigned by the Klan for such visitations were political activity, barn-burning, assault, incitement of negroes to assault, robbery, and rape. In a few cases white men were warned or whipped because of political work among the negroes, or to deter them from opposition to the Klan. Some of the outrages were committed by the Klan in retaliation for similar outrages by the Union League; others were never proven to have been committed by the Klan.

It is easy to understand the power which such a society, shrouded in mystery, almost perfect in organization, and commanding absolute and enthusiastic obedience, could have under the conditions that existed in the South under Congressional Reconstruction. It is easy also to understand how after it had accomplished its mission and the best element ceased to take part in its proceedings it could have degenerated into a band of marauders. Responsibility for the order must rest on those who created the conditions that made it necessary. Before the institution of Congressional Reconstruction, North Carolina was quiet and conditions were rapidly returning to normal. Reconstruction checked that movement and inaugurated an era of plunder, corruption, and violence. If the Ku Klux Klan did nothing else, at least it opened the eyes of the country to the real situation in the South, which began the work of reform. When

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[5] *Reconstruction in North Carolina*, 476-477. Professor Hamilton, however, considers the documents upon which his table is based as "entirely unreliable."

A Ku Klux Klan Costume

BANNER USED BY THE KU-KLUX.
(Original now in North Carolina Room, Confederate Museum, Richmond.)

this was accomplished and law and order restored, the Ku Klux Klan passed out of existence. "Ku-Kluxism was the legitimate offspring of misrule; it follows and disappears with its parent."[6]

The Ku Klux activities spread panic among the negroes, dampened their political zeal, and aroused the Republican leaders to counter operations. In 1869 the Republicans put through the Legislature an act making it a felony for any person to go masked, painted, or otherwise disguised on the highway, and authorized the governor to employ a force of detectives to ferret out such offenders. The governor employed some twenty or more detectives, but since their activities were directed exclusively against the Ku Klux Klan and did not embrace those of the Union League, his action formed the basis of a charge that the whole movement was political. Holden's efforts to break up the Klan through his secret service organization failed, as did his attempt to suppress it by sending militia to certain centers of Klan activities. Accordingly, when the Legislature met again, November 16, he requested additional legislation to strengthen his authority. The result was an act "for the better protection of life and property," introduced by Senator T. M. Shoffner of Alamance County and therefore known by his name, which empowered the governor in his discretion to place any county in the state under martial law, and authorized judges and solicitors to remove cases involving indictments for conspiracy, murder, and violations of the anti-masking law from the county in which the alleged offense had been committed to some other county. Republicans and Conservatives alike, both within and without the Legislature, attacked the constitutionality of the act. It was defended on the ground that secret political societies were inimical to liberty, but when the Wilmington *Journal* challenged the governor to disband the Union League, saying that if he would do so "all counter organizations will be broken up," and "Loyal Leaguism and its offspring, Ku Kluxism will be buried in a common grave," the governor replied: "Secret

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[6] Minority report from the *Report of the Joint Select Committee to Inquire into the Condition of Affairs in the Late Insurrectionary States*, 448.

political organizations have existed and will exist always. It is not to be expected that we can get rid of them."[7] The Conservatives, therefore, denounced the Shoffner Act, not as a measure to break up secret political organizations but as an effort on the part of the governor to control by military power the state election of 1870.

The Kirk-Holden War

Officials to be chosen in 1870 were an attorney-general, congressmen, and legislators; the Legislature then elected would select a successor to Abbott in the United States Senate. For attorney-general the Conservatives nominated William M. Shipp, the Republicans Samuel F. Phillips. Both were men of ability and learning. Phillips, a member of one of the most distinguished families in the state, had hitherto acted with the Conservatives and astounded his friends when he consented to lend the prestige of his name and character to bolster up the Republican administration. Upon learning of his nomination, Vance, who had studied law under him and felt for him a warm friendship, wrote to Mrs. Spencer, Phillips' sister, "I almost thought him mad!"

The election, of course, involved far more than the choice of a few public officials; it was in reality a referendum on the Republican régime. Realizing that the party could not win on its record, Holden determined to force the fighting on the "Ku Klux outrages," and to make use of the power conferred on him by the Shoffner Act to intimidate the electorate. The Klan had been particularly active in whipping barn-burners in Alamance and Caswell counties, but in neither did their activities grow out of politics, and in neither was there any interference with the processes of the courts. Testifying in 1871, the sheriff of Alamance declared that the courts were held regularly, all the functions of government were carried on, and there had never been any resistance to an officer serving a process.[8] But some-

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[7] Ashe, *History*, II, 1098.

[8] *Impeachment Trial of William W. Holden*, I, 294-302.

thing had to be done to save Holden's administration. The lynching in March, presumably by the Ku Klux, of a negro politician in Alamance County, and the murder in May, also charged to the Ku Klux, of John W. Stephens, a corrupt Republican leader in Caswell County, gave the governor the excuse he needed. He promptly proclaimed those two counties in a state of insurrection and took steps to place them under martial law.

For this purpose he organized two regiments of troops. One of them, commanded by Colonel W. J. Clarke, played no part in the events that followed. The other, the governor placed under the command of Colonel George W. Kirk, of Tennessee, former commander of the Third North Carolina United States Volunteers during the Civil War, who enjoyed a well-earned reputation as a "desperate and brutal character." Acting under Holden's authority, Kirk recruited his regiment in western North Carolina and eastern Tennessee, enrolling many of the men of his former command, carried them to Company Shops (now Burlington) and there, in July, mustered them into state service.[9] Rowdyism and lawlessness marked every stage of their progress. The regiment consisted of 670 men organized into nine companies. Over two hundred of them had been illegally recruited outside of North Carolina; 399 were under and 64 over the legal military age. Among them was a large number of negroes, who had been enlisted in violation of the law under which the regiment was raised. Every one of the field officers was from outside the state. That the Conservatives should denounce the governor's course was to have been expected, but they were not alone in doing so. Protests from Republicans poured in upon him, but with President Grant's assurance of support, he pursued his course unflinchingly.

Occupying the courthouses in Graham and Yanceyville, Kirk inaugurated a veritable reign of terror in Alamance and Caswell counties. Unrestrained by the hand of the civil authorities, his conduct became so tyrannical and lawless, that Captain

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[9] For Kirk's advertisement calling for troops, written by Holden, see *Impeachment Trial of William W. Holden*, I, 283.

George B. Rodney, a United States army officer in command of the Federal troops in Caswell County, felt impelled to protest. Kirk's troops, he reported, were "nothing but an armed mob." "I have fears of an outbreak," he continued. "Colonel Kirk is endeavoring to create a disturbance between the people, or my men, and his troops, in order to justify his recent conduct. His men roam around the country, pillage and insult the people with impunity, and some threaten to attack my men."[10] In Caswell, nineteen, and in Alamance eighty-two men were arrested by military order, thrown into prison, and treated with the utmost barbarity. No information as to the cause of arrest was furnished the prisoners, except that it was by the governor's instructions, bail was refused, and the prisoners held for trial by court martial. It was Captain Rodney's opinion that it was all done in order to arouse the people to resistance so as to justify martial law.

Among the men arrested in Alamance County was A. G. Moore. On July 16, upon application of counsel for Moore, Chief Justice Pearson issued a writ of *habeas corpus* directed to Kirk and returnable before the chief justice at Raleigh. Kirk treated the writ with contempt, declared that such papers had "played out," and swore that he would not surrender his prisoners except upon an order from the governor. The chief justice, thereupon, prepared to issue a writ of attachment against Kirk, but the governor, learning of his intention, informed him that Kirk had followed his instructions and that he himself assumed full responsibility for his action. In an opinion delivered July 23, the chief justice acknowledged the governor's authority to declare the counties in insurrection, but denied that the privilege of the writ of *habeas corpus* had been suspended; nevertheless, he declined to direct to the sheriff a writ of attachment against Kirk, or to call out a *posse comitatus* to serve it, on the ground that to do so would precipitate a civil war, but contented himself with directing the marshal of the Supreme Court to exhibit the writ to the governor, saying that, if the

[10] Quoted by Hamilton, *op. cit.*, 519.

governor declined to obey it, "I have discharged my duty; the power of the Judiciary is exhausted and the responsibility must rest on the Executive." Holden accepted the responsibility, and refused to honor the writ. On the same day the chief justice issued writs for the other prisoners, all of which the governor treated with like contempt. It may be noted in this connection that the Declaration of Rights, Section 21, which both Holden and Pearson had but recently sworn to obey, declares: "The privilege of the writ of *habeas corpus* shall not be suspended."[11]

Throughout these exciting days, Josiah Turner through the editorial columns of the *Sentinel* was making the governor's life miserable. His wit grew more pungent, his invectives more stinging, until Holden in desperation threatened him with arrest. But the governor little knew the courage of his enemy. Time and again, Turner defied him to make good his threat. Finally, on August 3, the day before the election, he published a challenge the governor could not overlook without abject surrender, and the next day Holden ordered his arrest. It was made at Hillsboro the day after the election by a detachment of Kirk's men, without warrant, although Orange County had not been declared in a state of insurrection. The prisoner was carried to Yanceyville and locked in a filthy cell occupied by a negro murderer under sentence of death.

Judge Pearson's refusal to enforce his writs left the petitioners in a desperate situation; nothing seemed to stand between them and trial by a drumhead court martial. But relief came from a most unexpected source. At a conference of the counsel for the petitioners, Matt W. Ransom expressed the opinion that their rights were protected by the fourteenth amendment and an act of Congress passed thereunder, and advised that application for a writ be made to United States

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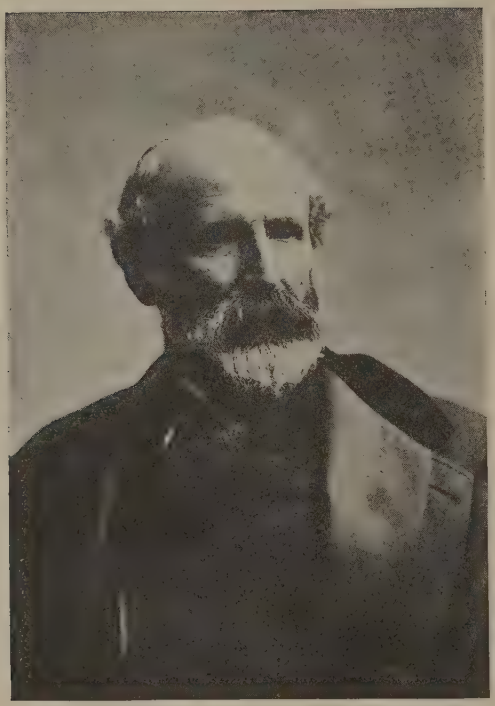
[11] The documents in this case are printed in Battle's *Habeas Corpus Cases*, Hamilton's *Reconstruction*, 508-509, 512-515, 526-527, and Moore's *History of North Carolina*, II, 347-364. In his decision the chief justice was sustained "by the concurring opinion of all his associate justices."—Robert P. Dick, *Memorial Address on Richmond Mumford Pearson*, 16.



MATT W. RANSOM

District Judge George W. Brooks at Elizabeth City. Entrusted with the application, in which Turner now joined, Ransom hastened to Elizabeth City, persuaded Judge Brooks that he had jurisdiction, and procured the writ.[12] Thunderstruck, Holden wired a protest to the President, wildly declaring his intention of instructing Kirk to "refuse to obey the writ," adding: "It is my purpose to detain the prisoners, unless the army of the United States, under your orders, shall demand them." But the northern press and the reports of United States army officers stationed in North Carolina had begun to open the President's eyes to the real nature of the contest, while the tone of Holden's telegram must have revealed to him the character of the man with whom he was dealing. At any rate through his secretary of war he instructed the governor to obey Judge Brooks' writ. Deserted by the President, Holden gave up the contest and notified Judge Pearson that he would instruct Kirk to obey his writ. Thereupon the petitioners promptly withdrew their applications, preferring to take their chances with Judge Brooks. When the writs were returned before Judge Brooks at Salisbury, a chastened Kirk appeared with his prisoners, all of whom, over the governor's protest, the judge promptly discharged.

In the meantime, the election, held August 4, had resulted in a sweeping Conservative victory. Shipp's majority was only 4,221, but the Conservatives carried six of the seven congressional districts and elected an overwhelming majority of both Houses of the Legislature. The most significant result was that the Senate was Conservative by more than two-thirds.

Deserted by the Federal administration and repudiated by the people of the state, Holden realized that the game was up, and on November 10 proclaimed the insurrection at an end. Kirk's troops were disbanded, many of them fleeing to the recesses of the North Carolina and Tennessee mountains to escape the wrath of the people.

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[12] Winston, "Matt Whitaker Ransom" (*Publications of the North Carolina Historical Commission*, Bulletin No. 10, p. 23-24.)

Politics in 1870

The Legislature met November 21. Lieutenant-Governor Caldwell presided over the Senate. Thomas J. Jarvis was elected speaker of the House. The Conservative majority, determined to undo as far as possible the work of the two preceding Legislatures, set itself resolutely to a program of economy and reform. Salaries were cut, useless offices abolished, expenses of printing and supplies curtailed, and the members' *per diem* reduced. Savings were effected in salaries alone amounting to $13,500 annually—no small item in the financial condition of the bankrupt state. An act was passed declaring secret political societies illegal. The detested Shoffner Act was repealed. Resentment at the debasement of the judiciary during the Republican régime was reflected in an act defining contempt of court and restricting the judge's power therein, in an act making judges strictly accountable for refusal to issue and have executed the writ of *habeas corpus*, and in proposals to impeach the chief justice and several other judges.

Politics of course occupied much of the attention of the majority, which naturally desired to strengthen its position. An effort was made to curtail the governor's patronage by taking from him the appointment of state proxies and directors in corporations and institutions controlled by the state, but the Supreme Court subsequently declared the act unconstitutional. Ever since the adoption of the Constitution of 1868 the Conservatives had proclaimed their purpose to replace it with a new one. Constitutional reform, therefore, was an important part of their program, but they were unable to muster the two-thirds vote in both Houses which was necessary to call a convention. Accordingly they passed a bill by a simple majority submitting the question of a convention to a vote of the people at an election to be called by the governor, but Caldwell, who had succeeded Holden, declined to call it on the ground that the act not having received a two-thirds vote in both Houses was invalid. The Conservatives, holding that a bill to submit the question to the people required only a majority, promptly altered the act so as to ignore the governor and to

require the sheriffs to hold the election. In a heated campaign, in which the Republicans, including President Grant, threatened the state with a new Reconstruction if the Constitution were tampered with, the convention was defeated by a large popular majority.

The Conservatives suffered another disappointment in the election of a successor to Abbott in the United States Senate. Vance and Ransom were the leading candidates, but Vance was handicapped by the fact that he was still under disabilities. Confident that they would be removed if he were elected, he pledged himself to resign if he were not admitted to his seat. He was elected but was denied his seat, and subjected himself to much criticism because he did not fulfil his pledge before the adjournment of the Legislature. He finally gave up the contest and sent his resignation to the Legislature January 20, 1872. Ransom was then elected and took his seat April 24, 1872. Shortly thereafter Congress removed Vance's disabilities.

Impeachment of Holden

The outstanding event of the session of 1870-71 was the impeachment trial of Governor Holden. Scarcely was the result of the election assured before there arose a widespread and persistent demand for the impeachment of both the governor and the chief justice. The Conservatives, however, were divided on the question. B. F. Moore expressed the views of those who favored the impeachment of Holden when he wrote that it was "demanded by a sense of public virtue and due regard to the honor of the State."[13] Other Conservatives, admitting that Holden deserved impeachment, opposed it on the ground of expediency. For them Vance spoke when he remarked after the trial, "It was the longest hunt after the poorest hide I ever saw." It is not unlikely that the idea would have been dropped but for the course pursued by Holden and the *Standard*. On November 25 Holden sent to the Senate a long memorial in vindication of his course in Caswell and Alamance, but the

[13] Quoted in Hamilton's *Reconstruction*, 543 n.

Senate, believing it to be an attempt to forestall impeachment, refused to receive it. The *Standard* was violent in its denunciation of impeachment. It taunted the Conservatives for delaying the matter, declared they were afraid to press it, and dared them to act. Finally it drew the issue so sharply that no other course was left for the majority, and on December 14 the House of Representatives adopted a resolution that the governor "be impeached of high crimes and misdemeanors in office."[14] They deemed it wise, however, not to move against the chief justice, who "thus escaped a fate he richly deserved."[15]

The managers for the House of Representatives employed William A. Graham, Thomas Bragg, and A. S. Merrimon as counsel, and on December 15 presented to the Senate eight articles of impeachment against the governor. All of them related to his course in Caswell, Alamance, and Orange counties. They charged him with proclaiming an insurrection and martial law in the first two, although at the time the civil authorities were in full and uninterrupted exercise of their functions; with numerous illegal arrests, imprisonments, and executions in those counties; with the illegal arrest and imprisonment of Josiah Turner; with refusal to obey the writ of *habeas corpus;* with recruiting a band of soldiers unlawfully in North Carolina and Tennessee and drawing money from the state treasury contrary to law to pay them for their unlawful services.[16]

To these charges the governor replied, January 23, 1870, through his counsel,—R. C. Badger, J. M. McCorkle, Nathaniel Boyden, Edward Conigland, and W. N. H. Smith. Holden could have placed his cause in no abler hands. Two of his lawyers —Smith, a Democrat, and Boyden, a Republican—subsequently

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[14] *Impeachment Trial of William W. Holden.* For Holden's account of his impeachment see his *Memoirs,* 160-179.

[15] Hamilton's *Reconstruction,* 541.

[16] The articles are printed in full in the *Impeachment Trial, op. cit.,* and in Moore's *History,* II, 372-382. For a good summary see Hamilton's *History of North Carolina,* 156-157.

had distinguished careers on the Supreme Court. The respondent's answer denied the truth of some of the allegations in the articles and justified his course as to the others as being within the authority conferred upon him by the Constitution and the Shoffner Act.

At the trial, which began February 2, Chief Justice Pearson presided as required by the Constitution. He was in a trying position. Besides his own participation in the incidents involved in the trial, he had to pass on many novel and difficult questions. It was the first impeachment of a state governor in American history and the only precedents available were the trials of Warren Hastings and of Andrew Johnson. His course as presiding officer was characterized by great dignity, learning, and impartiality. Counsel on both sides also measured up to their great reputation and to the demands of the occasion.

The managers called 57 witnesses, the respondent 113. As the trial approached its end little doubt was left in the public mind as to the outcome. The vote was taken on March 22, and resulted in conviction on six of the eight articles. It was not a strictly party vote. On the first two articles, which involved the lawfulness of the governor's action in declaring Caswell and Alamance counties in insurrection, enough Democrats voted "Not Guilty" to secure acquittal; while on the articles relating to the arrest of Turner and the refusal to obey the writ of *habeas corpus* several Republicans voted "Guilty."[17] As soon as the result was announced, the Senate by a strict party vote adopted a resolution adjudging that William W. Holden "be removed from the office of governor and be disqualified to hold any office of honor, trust, or profit under the State of North Carolina." Lieutenant-Governor Caldwell thereupon assumed the duties of the vacated office. Holden spent the remaining years of his life in Raleigh. He was postmaster at Raleigh for eight years, but never again held a state office. Several efforts

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[17] For a table showing the vote on each article see Hamilton, *op. cit.*, 159.

William L. Saunders

were subsequently made to have the Legislature remove his disability, but without success.[18]

Overthrow of Ku Kluxism

Ku Klux outrages furnished the Republicans their most effective campaign material and they were quite naturally reluctant to drop them. In 1871, revival of Klan activities in certain western counties, especially in Cleveland and Rutherford, after they had practically ceased elsewhere in the state, gave the Republicans grounds for making them an issue in the campaign of 1872. In January, 1871, the United States Senate, acting upon information furnished by Governor Holden and Senators Pool and Abbott, appointed a special committee to investigate conditions in North Carolina. Several witnesses were examined for the purpose of obtaining material for the Republican campaign. The majority report declared that the Ku Klux Klan still existed in the state as a secret Democratic organization carrying on its activities by violent and unlawful methods. A dissenting report, framed by the minority, denounced the investigation as a conspiracy to restore the Republican party to power after it had been repudiated by the people. Both reports were extremely partisan.

By this time the Republican administrations in the southern states were tottering to their fall and Congress, in response to recommendations of the President, came to their rescue by the creation of a joint committee to investigate conditions in "the late insurrectionary states" and by the passage of the so-called Ku Klux Act for the enforcement of the provisions of the fourteenth amendment. The committee examined a large number of witnesses from every southern state; nineteen, including three carpet-baggers and two negroes, were called from North Carolina. These witnesses were bullied and terrorized into giving a vast amount of information, much of it false, until the spell of terror was broken by William L. Saunders. As the alleged head of the Invisible Empire in the state, Saunders was

[18] Holden's *Memoirs*, 179-183.

regarded as the prize North Carolina witness, from whom the Republican majority expected to extract much valuable data. More than one hundred questions were put to him, but to every question he replied simply: "I decline to answer." "He was badgered, and bullied and threatened with imprisonment," wrote a member of the committee, "but with perfect self-possession and calm politeness he continued to say: 'I decline to answer.' It was a new experience for the Committee, because the terror aroused by the investigation had enabled them to get much information, and no witness had up to that time thus defied their authority; . . . and, after some delay, he was discharged with his secrets (if he had any) locked in his own bosom, and carrying with him the respect and admiration of all who had witnessed the ordeal through which he had passed."[19] Altogether, the committee collected enough material for campaign use to fill thirteen volumes of public documents, but its value was considerably diminished by the partisan character of the investigation.

The Ku Klux Act, which went into effect April 20, 1871, made it unlawful for any person to go upon the highway in disguise with intent to interfere with others in the exercise of their constitutional rights, and provided for the trial and punishment of persons so charged in the Federal courts; and it authorized the President in his discretion to proclaim any state, or portion of a state, in insurrection and to suspend therein the privilege of the writ of *habeas corpus*. The measure was vigorously assailed by the ablest constitutional lawyers in Congress without distinction of party as an unconstitutional invasion of the rights of the states, but such arguments meant nothing to a party intent upon the maintenance of its political power. Eleven years later the Supreme Court of the United States declared the act unconstitutional.

In the meantime, however, it had been made the basis of an attempt to inaugurate a new reign of terror in North Carolina. Federal troops were sent to the state—to maintain order, said the Republicans; to intimidate voters, charged the

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[19] Waddell, A. M., *Life and Character of William L. Saunders*, 6.

Conservatives. Ku Klux raids in Rutherford and Cleveland counties were made the excuse for the arrest and imprisonment, often without warrants, of more than 100 persons. Twenty-two were denied bail, and seventy-one bound over to the Federal court. Their cases were called for trial at Raleigh in September, 1871, in the United States Circuit Court, Judge Hugh L. Bond presiding. The district attorney reported to the Department of Justice at Washington that 981 persons had been indicted. Eleven of the defendants were acquitted and twenty-seven convicted; the cases against the others were either dropped or continued.

The chief efforts of the government were directed against Randolph Shotwell, who had been county chief of the Klan in Rutherford County. Shotwell had accepted the position upon the urgent request of the leading men in the county for the purpose of checking the Ku Klux movement, and had never been on a raid. But as editor of Conservative newspapers in Asheville and in Rutherfordton he had been a caustic critic of the Republican party and its leaders were determined to make an example of him. After a mockery of a trial he was convicted and sentenced to a fine of $5,000 and six years' imprisonment at Albany, N. Y.[20] Following his conviction he was treated with the utmost barbarity, as an example to his followers.

Scarcely a decent effort was made to conceal the fact that the Ku Klux trials were political. The defendants were Conservatives. Their cases were continued from the June term because the government desired to procure a packed jury, and during the trial the judge himself assumed the rôle of prosecutor. Assistant District Attorney S. F. Phillips directed the marshal to summon as jurors only persons who were inclined to convict the prisoners, and publicly proclaimed in the Shotwell trial that criticism of the Republican party was tantamount to an attack on the United States government. Twice

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[20] For an account of Shotwell's trial and imprisonment see Hamilton, "Prison Experiences of Randolph Shotwell" *(N. C. Historical Review,* vol. II, nos. 2-4, April-Oct., 1925).

personal representatives of President Grant called on Shotwell, once while he was on his way to prison and once after he had begun his term, with an offer of a pardon if he would implicate prominent Conservative leaders in the state in Ku Klux outrages.

As the time for the election of 1872 approached, United States marshals, often more lawless than the Ku Klux had ever been, increased their activities. Hundreds of persons were arrested without warrants, imprisoned without hearings, and denied both bail and trial. At the spring term of the Federal court at Raleigh in 1872, more than 1,400 persons were indicted under the Ku Klux Act, only six of whom were ever brought to trial. As soon as the election was over the arrests ceased, the cases were dropped, and soon thereafter all prisoners at Albany, including Shotwell, were pardoned. It was during this period that the Federal courts were converted into the instruments of political oppression and favoritism that caused the southern people for more than a generation to distrust them as alien and hostile agencies.

Election of 1872

Ku Klux outrages served as political issues for the last time in 1872. The Republicans nominated Caldwell for governor, and Curtis H. Brogden for lieutenant-governor, on a platform which opposed any amendments to the state Constitution, denounced the Ku Klux, and declared for a general amnesty. Their opponents had difficulty in selecting a candidate. The rank and file preferred Vance, but there were serious objections to him as a candidate and he declined to run. A. S. Merrimon was then nominated against his wishes, and induced to accept by the promise of Conservative leaders that if defeated for governor the party would support him for the United States Senate to succeed Pool. The platform endorsed civil service reform and the amendments to the Constitution proposed by the Legislature of 1870-71, and condemned secret political societies, internal revenue taxes, and the political activities of Federal office-holders.

As North Carolina was the first state to hold an election, both parties, state and national, were anxious to get off on a good foot. The Republicans enjoyed distinct advantages over their opponents. Behind them stood the Grant administration with all the powers of the Federal government at its command. The national organization poured unlimited funds into the state party chest. Federal officials, including two members of the Cabinet, took an active part in the campaign. Every resource of the revenue service and of the Federal judiciary was placed at the disposal of the party leaders. United States commissioners issued blank warrants to deputy marshals who used them for campaign purposes or for blackmail. Just before the election 3,000 persons were under arrest charged with Ku Klux activities, violations of the revenue laws, and other crimes, most of whom were promised immunity if they would vote right. The expenses of the Federal court jumped from an annual average of about $5,000 before 1872, to $250,000 in 1872. Bribery and intimidation were relied on in the West, where illicit distilling and the Ku Klux operations gave pretext, while in the East, reliance was placed on the solid negro vote. Just before the election large numbers of negroes were imported from adjoining states; and 900, a majority of whom were Federal employees, were sent from Washington to be voted in the state election.

By such methods, Caldwell managed to pull through by a majority of 1,898, in a total vote of 194,366.[21] Governor Caldwell died in office, July 11, 1874, and Lieutenant-Governor Brogden filled out the unexpired term. Merrimon's defeat in 1872 was due to the heavy Republican majorities in the black counties. The Conservatives, however, carried both Houses of the Legislature. In the presidential election, which followed in November, their showing was not so good. They had but little enthusiasm for Greeley to start with and the defeat of their state ticket in August had greatly discouraged them. Accordingly, there was a falling off in the Conservative vote in November of 26,140, while the corresponding Republican loss was

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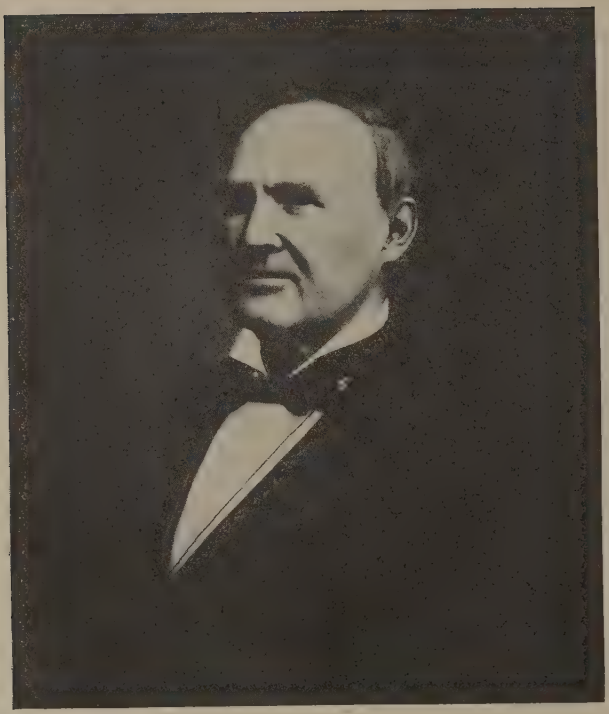
[21] *North Carolina Manual*, 1913, 1001-02.



A. S. Merrimon

only 3,363. Grant, therefore, carried the state by a majority of 24,675, but the Conservatives elected five of the eight congressmen.[22]

The Conservatives also controlled the Legislature by a majority of 14 in the Senate and 12 in the House. Their most important political function was the election of a United States senator. Party leaders had promised the place to Merrimon, but found themselves unable to deliver the vote, and the caucus nominated Vance. Several Conservative members, however, bolted the nomination and supported Merrimon. In the Legislature a deadlock occurred, the vote for many ballots standing Vance 78, Merrimon 20, Pool 72. Unable to elect Pool, anxious to defeat Vance, and eager to drive a wedge between the two factions of the Conservatives, the Republicans decided to drop their own candidate, and throwing their solid vote to Merrimon, elected him by a vote of 87 to Vance's 80. Merrimon was unaware of this scheme until after the election; he hesitated at first to accept, but ultimately did so upon the advice of Graham and other prominent Conservative leaders who were of course anxious to strengthen the Democratic party in the Senate. The Republicans hoped that their support would bring Merrimon over to their ranks, but he made it perfectly clear that in the Senate he would act with the Democrats. The contest left in the ranks of the Conservatives a legacy of bitterness that marred party harmony for many years.

Constitutional Reform

The victories of the Conservatives in 1870 and 1872 enabled them to carry out their program of constitutional reform. As we have seen, when the Constitution of 1868 was adopted they served notice of their intention to set it aside as soon as they had the power. Accordingly they attempted without success to call a convention in 1871. Failing in that move, they turned to the process of amendment by legislative action, and put through the session of 1871-72 a bill submitting to the people

[22] *North Carolina Manual* for 1913, 987-988.

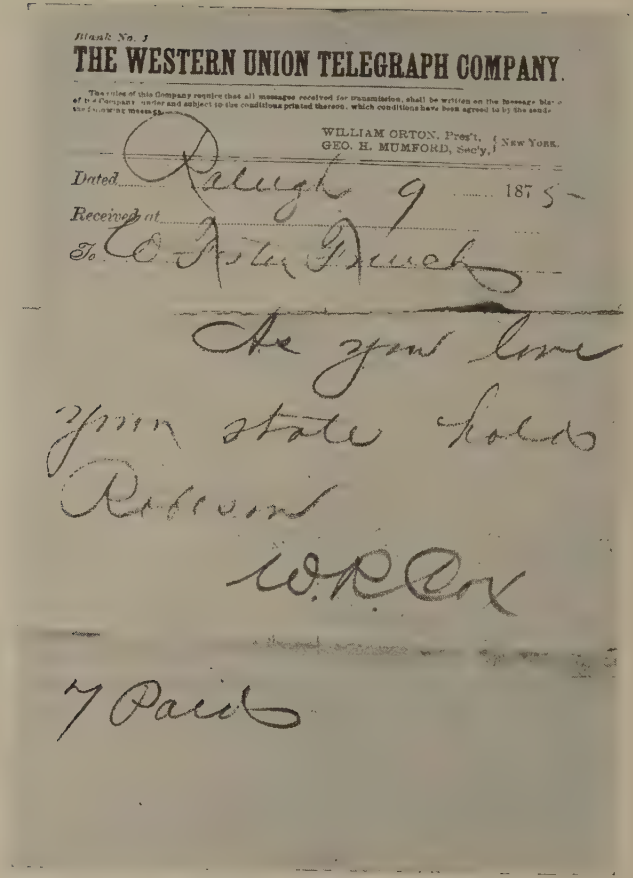
several amendments. As required by the Constitution these proposed amendments had then to be passed by the next succeeding Legislature. Accordingly they were laid before the Legislature of 1872-73, adopted with some modifications, and submitted to the voters for ratification. The most important were: To abolish the code commission and the office of superintendent of public works; to strike out the clauses requiring the Legislature to take a decennial census and to levy a tax to pay the interest on the public debt; to take from the State Board of Education and confer upon the Legislature the election of the trustees of the State University; and to substitute biennial for annual sessions of the Legislature. These amendments were all ratified by the voters at a special election held in August, 1873.

But these changes were superficial and nothing less than fundamental changes would satisfy the Conservatives, who demanded a complete revision of the Constitution. Such a revision required a convention. When, therefore, the Conservatives, after the election of 1874, found themselves controlling the Legislature by more than a two-thirds majority in each House, there arose within the party a loud and insistent demand that a convention be called. There were serious obstacles, however, for a few Conservative leaders, especially Senator Ransom, thought the movement unwise, and Democratic leaders in Washington advised against it. The Republicans were violent in their opposition. They threatened a new reconstruction if the Constitution were set aside, and played upon the fears of the negroes and poor whites by warning them that provisions placed in the Constitution for their protection would be abrogated. The arguments against the Convention were thus summed up by the Raleigh *Constitution:*

Convention means Revolution.
Convention means the Whipping Post and Pillory.
Convention means Imprisonment for Debt.
Convention means War.
Convention means Apprentice laws, which is one of the worst features of Slavery.
Convention means Ruin.
Convention means poll-tax qualifications for voting.

The Conservatives attempted to meet these arguments by restricting the powers of the Convention. The bill which they passed forbade the Convention to interfere with the homestead provision of the Constitution, with laborers' and mechanics' liens, with the rights of married women, or with the ratio between poll and property taxes; prohibited it from proposing any provision for compensation for slaves, for the payment of the war debt, for an educational or property qualification for suffrage, or for vacating any office before the expiration of its constitutional term; and required it to submit its work to the people for final action.

The campaign that followed was bitterly fought. Both parties raised the race issue in its acutest form. Negro leaders threatened that if the Republicans controlled the Convention, they would break down all social barriers between the two races, and Conservative leaders warned the people that Republican victory would mean negro rule, mixed schools, and social equality. From this campaign one may date the final decision of the Conservative party to draw the color line and take its stand regardless of consequences as a white man's party. The election was close—the closest, indeed, in the history of North Carolina. The aggregate votes for Republican candidates were 95,191, for Conservative candidates, 95,037. Several anxious days passed before it could be determined which party would control the Convention. Conservative fears, as the election drew near, were expressed in the famous telegram sent on election day by their state chairman, William R. Cox, to the Conservative chairman of Robeson County: "As you love the State hold Robeson." It was excellent Conservative advice; for control of the Convention finally turned on the result in Robeson. The returns there were contested and the decision withheld for several days; but the certificates were finally issued to the two Conservative candidates. This decision gave the Conservatives a majority in the Convention of one over the Republicans, but before the Convention met William A. Graham, Conservative delegate from Orange, died, leaving the membership to stand Conservatives 58, Republicans 58, Independents 3.



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Dated Raleigh 9 1875

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To O. Kirby Smith

As you know
Penn state Solid
Returns
W. R. Cox

Paid

W. R. Cox's Famous Telegram

The Convention met September 5.[23] In a body so evenly balanced between the two parties, the choice of a presiding officer became of vital importance, and the Republicans allowed themselves to be out-generalled by their opponents. They nominated Oliver H. Dockery of Richmond County, while the Conservatives nominated Edward Ransom of Tyrrell. Ransom had formerly been a Republican, but had been elected as an Independent favoring the call of the Convention. His selection by the Conservatives as their candidate for president was engineered by former Gov. David S. Reid and Thomas J. Jarvis. In the voting the other two Independents divided, and for thirteen ballots the vote stood Ransom 59, Dockery 58, Plato Durham 1. On the fourteenth ballot, however, Ransom announced that he had neither sought nor desired the Conservative nomination, but that the time had come to end the deadlock that the Convention might organize and get down to business, and thereupon voted for himself. Henceforth he acted with the Conservatives. The Republicans had determined that if at any time they could command a majority vote they would adjourn the Convention *sine die*, and a resolution to that effect introduced immediately after election of a president was defeated by only two votes. Thereafter throughout the session, no Conservative dared leave the hall without being paired.

The purpose of the Conservatives in calling the Convention was to change those provisions of the Constitution which had made the carpetbag-negro régime of 1868-1870 possible, but the closeness of the vote in the Convention prevented their carrying out their plan in full. Thirty amendments in all were adopted, but many of them were of minor importance. Sixteen were adopted unanimously, and only four were passed by a strict party vote.

The important changes were all the outcome of the experiences of Reconstruction. A clause was inserted in the Declaration of Rights denouncing secret political societies as dangerous to the liberties of a free people and declaring that they should not be tolerated. Several changes were made in the article deal-

[23] *Journal of the Convention of 1875.*

ing with the Legislative Department. The *per diem* was fixed at $4 and mileage at ten cents, and the *per diem* could thereafter be collected for only sixty days for a regular session and twenty days for a special session. The time of the meeting of the Legislature was changed from November to January. In the Executive Department the only change of importance was the introduction of a provision requiring the Legislature to establish a department of agriculture and statistics. The most important changes were made in the articles dealing with the judiciary and with county government. The number of Supreme Court judges was reduced from five to three and Superior Court judges from twelve to nine; but authority to reduce or increase the latter was conferred upon the Legislature. Recent experience pointed to the necessity of some quicker, simpler and less expensive plan of removing incompetent judges from office than impeachment; an amendment accordingly was proposed authorizing the General Assembly upon a concurrent resolution of two-thirds of both Houses to remove any judge for mental or physical inability. Perhaps the most important change in the judiciary was the granting to the Legislature of power to "allot and distribute" the judicial power among the courts inferior to the Supreme Court "in such manner as it may deem best," and to provide for the election of judges. The purpose of this provision was to give the Legislature control over justices of the peace for the protection of the black counties against ignorant and corrupt magistrates. Another amendment having a similar purpose gave the Legislature entire control over county government.

Several changes were proposed which reflected the new social problems raised by Reconstruction. Fines and penalties were to be set aside for the use of the public schools. The two races must be taught in separate schools but there must be no discrimination in favor of or to the prejudice of either. Intermarriage between a white person and a person of negro descent to the third generation was forbidden. Two social characteristics of the negro—his migratory habits and his criminal tendencies—led to additional suffrage restrictions. The residence requirement for voting was increased from one year to two years in the

state, from thirty days to six months in the county, and was placed at four months in the precinct; and conviction of any crime punishable by imprisonment in the state penitentiary was made a disqualification for voting.

Finally, changes were introduced in the methods of amending the Constitution. It was provided that henceforth no convention should be called unless the proposition had been submitted to the voters and approved by them. The method of amending by legislative initiative was changed by striking out the requirement that the proposed amendment must be concurred in by the Legislature next succeeding that in which it was originally proposed.

The Overthrow of Republicanism

With the adjournment of the Convention both parties began preparations for what they recognized would be a decisive campaign. There was no question as to the issues; Reconstruction furnished enough and to spare. On the issues created by Congressional Reconstruction the great mass of the whites of the state were welded into a compact party; former differences were utterly forgotten; and the necessity of cooperating with the national Democracy led to the dropping of the name Conservative, and the emergence in the state of the modern Democratic party.

The Democrats, greatly heartened by the prospects of national as well as state success, met in convention in Raleigh, June 14. No such outpouring for a political convention had ever been seen in the state. More than a thousand delegates, representing every county, were present. Enthusiasm and confidence marked their proceedings. The chief question was the selection of a leader. Several prominent Democrats had been discussed, but when it was ascertained that Vance was willing to lead the fight, all other names were dropped and he was nominated by acclamation. The nomination for lieutenant-governor went to Thomas J. Jarvis.

The Republican convention met in Raleigh July 12. It was controlled by Federal office-holders and negroes—a combination

that for more than fifty years was to prevent the building up of a strong Republican party in North Carolina. J. W. Hood, a negro bishop, was temporary chairman. The permanent chairman was S. F. Phillips, solicitor-general of the United States, who had been sent by President Grant to effect the nomination for governor of Thomas Settle, then an associate justice of the Supreme Court. The Federal office-holders who dominated the convention were naturally amenable to suggestions from Washington, and Settle was nominated. The Republican party had a serious handicap in the large number of carpetbag and negro office-holders and nominees in the black counties, for by this time the full realization of what carpetbag-negro rule meant had been driven home to the native white Republicans, many of whom were leaving the party; two of the Grant electors of 1872 stumped the state for Tilden in 1876.

The campaign of 1876 stands out as the greatest political contest in the history of North Carolina. Never before in the state were so many voters reached by campaign speakers; never was there such popular enthusiasm. The issues account for much of the interest, but the personalities and ability of the two candidates for governor were the chief cause. Settle challenged Vance to a joint debate, and Vance accepted. Both were handsome men, at the peak of their physical and intellectual powers. Settle's learning in the law, his large fund of general and political information, his resourcefulness in debate, and his magnetic personality made him beyond all doubt the most dangerous man Vance had ever met on the stump, and not a few of Vance's friends feared the result. But they little knew the power of their leader. In all that goes to make a popular orator, Vance was greatly Settle's superior. North Carolina has had no other son who could so sway the multitude. To an inimitable humor, a sharp and pointed wit, and a lofty eloquence of a popular character, Vance added an amazing intellectual alertness that often made up for his lack of information, an adroitness in debate that missed no weak point in his opponent's armor, and a power of logic that effectively closed the holes in his own. Besides these qualities, his career as war governor, his subsequent imprisonment for the "sins" of his

people, and his political punishment by the Republican administration, gave him an unshakable hold on the affections of the North Carolina masses. His mere appearance was sufficient to arouse a crowd to the highest enthusiasm which became constantly greater as his triumph over Settle became more and more apparent.[24]

Of the Vance-Settle debate, the biographer of Judge Settle, himself a distinguished Republican jurist, says: "Their debates are historical in North Carolina. They were conducted with splendid dignity, each candidate treating the other with fine courtesy throughout the discussions. . . . In all that makes political speaking instructive, impressive and convincing these discussions were in no respect less masterful than the debate between Lincoln and Douglas in 1858. The sentiment of a large majority of the white people was with Vance. On this account Judge Settle was continually at a disadvantage, but after each debate his political adversaries were forced to acknowledge his power and that there were laurels won on either side. But practically, the joint discussions were disastrous to the Republican cause, just as . . . they have usually been in the South since the war. The white people were stirred to the depths, as otherwise they might not have been, and they thus became a power so irresistible that only an equal number of white men can withstand them."[25] Vance emerged from the campaign the popular idol of North Carolina!

The Republicans were swept from power. Vance's majority over Settle was 13,928; the entire Democratic state ticket was elected, and the Legislature was Democratic by majorities of 48 in the House and 30 in the Senate. All of the amendments to the Constitution were ratified. The Democrats elected seven of the eight congressmen and carried the state for Tilden by a majority of 17,543.[26]

This election marked the beginning of a new era in North Carolina. "Congressional Reconstruction," writes Rhodes, "had

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[24] Dowd's *Life of Zebulon B. Vance*, ch. XII, contains numerous press accounts of the debate.

[25] William P. Bynum Jr., *Address Presenting the Portrait of Thomas Settle to the Supreme Court*, 56.

[26] *North Carolina Manual* for 1913, 987-988, 1001-02.

built up a corrupt party which deserved to be overthrown; any observer who had an opportunity to contrast the constituents of the two parties could not fail to see that the cause of good government had won. In North Carolina as well as in Georgia the Republicans had thrown away an opportunity to construct a respectable party of their own out of the old-line-Whigs and Union-men-before-the-war who had numbers as well as ability. Even as it was, there were native Republicans of character and standing and some of the northern men who obtained office were worthy, but these were overborne by the crowd who were in politics for plunder."[27] In the election of 1876 "the crowd who were in politics for plunder" were routed, and the administration of the state government passed into the hands of the party that best represented the intelligence, the property, and the patriotism of North Carolina.

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[27] *History of the United States*, VI, 310. In this statement Rhodes refers specifically to the results of the election of 1872, but his observations are even more applicable to the election of 1876.

CHAPTER XXXIX

FOUNDATIONS OF THE NEW ECONOMIC STRUCTURE

North Carolina's economic and social rehabilitation awaited upon the reestablishment of law and order and economical government that could come only with political redemption. Between 1840 and 1860, as we have seen, the state had moved forward rapidly in agriculture, in industry, in transportation, in education and humanitarian reforms, and in other economic and social aspects. The great schism of 1860 checked this development and in 1865 North Carolina emerged from the struggle prostrate and bankrupt. However, the outlook was not entirely hopeless. The state's natural resources had not been touched, and her people possessed tremendous reserve power. Despite military defeat, therefore, they would soon have been on the high road to economic and social recovery had they been left free to work out their own salvation. But this was not to be; it did not suit the purposes of the conquerors that the South should so soon recover from her disasters. Complete subjugation was their program and in North Carolina, as in other southern states, Reconstruction meant not only political but also economic and social reconstruction.

North Carolina entered upon the period with her public assets dissipated, her industries destroyed, her railroads wrecked, her educational institutions closed, her public debt piled up to crushing proportions, and with a political problem that for two generations absorbed those energies that should have been left free to develop the economic, social and intellectual resources of the state.

Population

Any inquiry into the economic and social conditions of North Carolina during the Reconstruction period must begin with her

population. Population had necessarily grown slowly in the decade of 1860-1870. In 1870 the people of North Carolina numbered 1,071,361, an increase of only 78,739 or 7.9 per cent in ten years. Between 1850 and 1860 the increase had been 123,583, or 14 per cent. Of the 1,071,361 people living in the state in 1870, 678,470 were white, 391,650 were black.[1] In the interchange of population with her sister states, North Carolina had lost heavily. She had sent to the other states of the Union 307,232 people and had received from them only 42,644. Of the former, 218,201 were whites, of the latter only 30,225 were whites.

In North Carolina, as in other southern states, war had taken an unusually heavy toll of the white male population. The white male population of North Carolina in 1860 numbered 313,670 as against a white female population of 316,272. Thus there was an excess of women over men of less than one per cent. The number of negro men exceeded the number of negro women by 1,176. The ravages of war are seen in the fact that in 1870 there were in the state 27,060 more white women than white men, an excess of 8.3 per cent. The totals were 352,765 white women, 325,705 white men. At that time the number of negro women exceeded the number of negro men by 3.5 per cent. The full significance of these shifts in the ratio between the sexes will be appreciated when it is recalled that in the United States at large, both in 1860 and 1870, the number of men was greatly in excess of the number of women.

The economic and social recovery of North Carolina was handicapped by the lack of urban centers. Wilmington with a population of 13,446 was the largest town in the state, Raleigh with 7,790 was a poor second, while New Bern came next with 5,849. No other town could boast of so large a population as 5,000, and only fourteen could count within their limits as many as 1,000 people. Among those which could not qualify even in this list were Rocky Mount, Salisbury, Greensboro, and Winston, while Gastonia, High Point, and Durham were too insignificant to attract the attention of the census taker.

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[1] There were also 1,241 Indians in the state.

The lack of towns accounts largely for the lack of markets, schools, and churches. Virginia and Maryland cities reaped the profits of North Carolina trade. Population in the country districts was too widely scattered and too badly disorganized to support schools adequately, and illiteracy even among rural adults was the rule not the exception. The rural churches were poverty-stricken, their congregations disorganized and demoralized, and their clergy forced to live from hand to mouth, or to seek means of livelihood outside the church.

Banking Conditions

One of the chief obstacles to the economic recovery of the South was the lack of capital and banking facilities. Capital in all forms had disappeared and practically all investments in stocks and bonds had become worthless. The state banks had been ruined by the war and their revival after the war was made difficult by the act of Congress, passed in 1863, imposing a 10 per cent tax on state banknotes after August 1, 1866. Nor could the South share fully in the advantages of the National Banking Act. The South suffered in the conditions then prevailing, from the amount of capital required for the charter of a national bank, and from the restrictions on its lending power. Land was the only form of security in the South, and national banks were forbidden to lend on land. Moreover, the harvesting and marketing of the chief crops of the South, cotton and tobacco, requiring large sums of money at certain seasons of the year, and since in many a market the business was concentrated in the hands of one or two individuals the provision which forbade a national bank to lend more than 10 per cent of its capital to any one person proved a handicap to business revival in the South.[2]

At the beginning of the war there were about twenty state banks in North Carolina. Those that did not close their doors

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[2] Gordon, A. C., "The Effects of Currency Legislation" and "Currency Problems in Relation to Southern Economic Development" in the *South in the Building of the Nation*, VI, 415-20. Dewey, D. R., "Banking in the South" *ibid*, 428-33.

during the struggle were forced into bankruptcy by the repudiation of the state war debt in 1865. In 1867 a national bank was established at Raleigh. Five others were organized during the Reconstruction period, but their combined capital was less than one million dollars.[3] Before 1870 the usual interest rate was 18 per cent, but even higher rates were often charged. Commenting upon the effects of the banking policy of the Federal government on the South, Ashe says: "Thus at a time and under conditions when the North should have sought to be helpful in diffusing prosperity and happiness throughout the South and in reestablishing industry and organizing society on a substantial basis, Congress denied to the Southern people the necessary facilities for recuperation."[4]

Agricultural Depression

North Carolina's basic industry, of course, was agriculture. The war itself had stimulated agriculture and generally speaking made it prosperous. This was especially true of food products, which were raised in large quantities and brought high prices. General Joseph E. Johnston told Governor Vance that "when his army was surrendered he had in the depots in North Carolina, gathered in the State, five months supplies for sixty thousand men, and that for many, many months previous, General Lee's army had been almost entirely fed from North Carolina."[5]

Coming home from the army the discharged soldier turned his attention immediately to the cultivation of the soil. He labored under handicaps. One was his lack of capital with which to replace the supplies, stock, tools, gins, barns, and other farm equipment which had either gone to ruin during the war or had been deliberately destroyed by the invading enemy. Another was the destruction of his transportation facilities and the consequent expense and difficulty of marketing his crops. The

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[3] Hamilton, *Reconstruction in North Carolina*, 425.

[4] *History of North Carolina*, II, 1088, 1144.

[5] Vance, "Last Days of the War in North Carolina" in Dowd, *Life of Zebulon B. Vance*, 490.

cotton tax, amounting from $10 to $15 a bale levied by Congress for three years after the war on his chief money crop, took from him several millions of dollars which he sorely needed.

One of the most serious obstacles to agricultural recovery was the complete disorganization of the labor system of the South. Emancipation not only wiped out an investment in North Carolina of at least $250,000,000, chiefly in agricultural labor, but also introduced a new relationship between the landowner and the laborer. This new relationship was not necessarily an unfriendly one, and there are numerous indications that between 1865 and 1867 satisfactory adjustments between the two races were being made. Reconstruction stopped this movement. It was part of the program of the Freedmen's Bureau and the radical political leaders to drive a wedge, economic and social as well as political, between the whites and the blacks, and they undertook to persuade the negro that his interest was inconsistent with the interest of the white landowner. Labor became demoralized; negroes under the "forty acres and a mule" delusion, stopped work, and developed habits not only of idleness but of pilfering and thievery that made the restocking of the farms with cattle, poultry, sheep, and hogs, not to mention the raising of certain minor crops, unprofitable to the white farmer.

In North Carolina, therefore, all the major crops except cotton and oats show a tremendous shrinkage in production between 1860 and 1870. Cotton barely held its own, the production being 145,514 bales in 1860 and 144,935 in 1870, while oats show an increase from 2,781,860 to 3,200,105 bushels. But the production of wheat fell during the decade from 4,743,706 bushels to 2,859,879, corn from 30,078,564 bushels to 18,455,215, rice from 7,593,976 bushels to 2,059,281, and sweet potatoes from 6,140,039 bushels to 3,071,840; while tobacco dropped from 32,853,250 pounds to 11,150,087.

Moreover, the farmer's distress was tremendously accentuated by the tax burden placed on his land by the financial legislation of the Republican administration. Between 1866 and 1869 the state property tax jumped from 10 cents on the $100 valuation to 35 cents. The special taxes authorized by the Leg-

islature of 1868-69 to meet the interest on railroad bonds amounted to 66.83 cents on the $100. The total state property tax, therefore, which was 10 cents in 1866, had arisen by 1869 to $1.0183. The burden fell with crushing weight on farmers already land poor, and forced so many of them to sell that land became a drug on the market; thousands of acres were sold for taxes at "pitifully small prices." In 1869, 7,872 acres of land, sold in Wake County for taxes, brought an average of less than $1.00 per acre; and two years later 25,000 acres in New Hanover, together with twenty-three town lots in Wilmington, sold for taxes, brought only $3,019.66.[6] This condition was quite general by 1870, and mortgage sales were monthly events at every county-seat. It has been estimated that between 1865 and 1870 more than half the land in the South changed hands.[7] Between 1867 and 1870 the decline in the value of farm lands in North Carolina was just short of $20,000,000, and the decline in the assessed value of all property between 1860 and 1870 was from $292,000,000 to $130,000,000.

Industrial Conditions

In war time industry fares better as a rule than agriculture. It was so in the South from 1861 to 1865. In 1860 southern manufacturers turned out products valued at $284,395,436. Their plants, however, were small establishments, with little capital, few employees, and very limited output. Many of them did not survive the outbreak of war, but the losses were more than counterbalanced by the new industries which that struggle called into existence and the expansion of the old industries to meet the abnormal demands of war times. Cut off from the outside world by the ever-tightening blockade, the South was thrown almost entirely upon its own resources; its necessities awakened the latent mechanical abilities of its people, and stimulated their inventive genius. Their attention, of course, was primarily concentrated on the production of military supplies

[6] Hamilton, *Reconstruction*, 424-25.

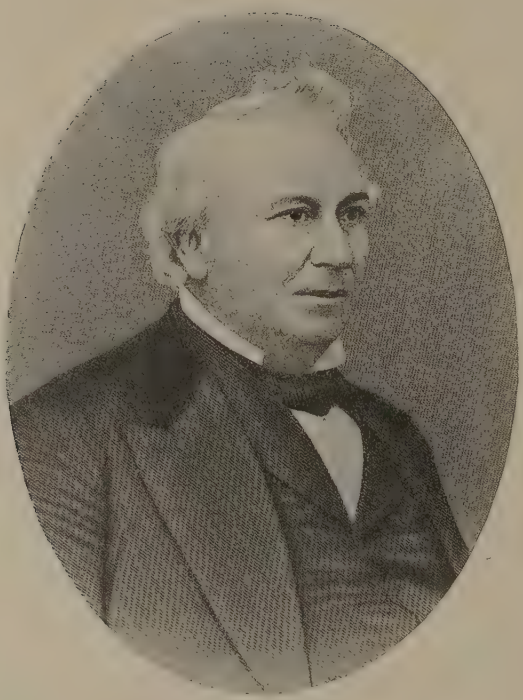
[7] Fleming, Walter L., "The Economic Conditions During the Reconstruction" in the *South in the Building of the Nation*, VI, 1-11.

and secondarily on the general needs of the community. The results of the latter, however, were more permanent. Numerous tanneries, shoe and clothing factories, iron works, woolen and cotton mills and other industries were established and "driven to their full capacity and in some instances increased their machinery." Although, with the defeat of the Confederacy, many of these enterprises went under, the experience which they had furnished both owners and operatives remained to become the basis of the industrial development that followed Reconstruction.

"The period of the Reconstruction," writes an eminent authority on the economic history of the United States, "is an elastic term, not applying to the same range of dates in manufacturing as in political annals. Before 1880 the South had more than recovered, in the industrial field, the position it occupied at the outbreak of the war. Indeed the ill effects of the war were held to account for a slowness of development that was such by contrast with the remarkable advance of the North, rather than by comparison with what had previously been the normal growth of the South. Shortly after the surrender, southern cities experienced a temporary revival, caused by immigration and by the removal of many ruined planters to the towns; but the depression of agriculture in the surrounding country put a quick end to this partly speculative prosperity. Political disorder and the financial panic of 1873 cooperated to hamper subsequent progress. That southern manufacturers should not only have recovered, but should have made positive growth, under these conditions speaks for the recuperative powers and moral energy of those states. By 1879, when the whole country began to emerge from the cloud of a long business depression, a farsighted eye might already read in the promise of the present the speedy realization of a future industrial growth for which there was no precedent in the past history of the South."[8]

These observations on the South as a whole apply with equal accuracy to North Carolina in particular. In 1860 North Carolina had 3,689 manufacturing establishments. Although many

[8] Clark, Victor S., "Manufactures in the South from 1865 to 1880" in the *South in the Building of the Nation*, VI, 262-63.



EDWIN M. HOLT

of them were closed during the war, and others were destroyed by invading armies, in 1870 there were 3,642 such establishments in the state. The post-war trend is seen in the fact that although there were fewer enterprises in 1870 than in 1860, yet their capital was larger and the value of their output was more than twice as great.

By 1870 the North Carolina industries, each of which annually turned out products with a value of more than one million dollars, were those manufacturing building materials, cotton goods, food and food preparations, and lumber. Pushing a million dollars closely were naval stores and tobacco, while carriages and wagons, boots and shoes, iron, and leather goods, fell just short of the half million dollar mark. By 1870, also, the state was able to show a "real growth" in flour-milling and a "positive increase" in timber production; and although before 1860 it "made nearly all the turpentine and other naval stores produced in the United States," it was making "more turpentine in 1870 than ever before."[9] The total number of employees in industry in 1870 was 13,622, the capital invested $8,140,473, and the value of products $19,021,327.

Development of Cotton Manufacturing

North Carolina's two great industries—textiles and tobacco—took firm root during this period. In 1860 there were thirty-nine cotton mills and seven woolen mills in the state. The Schencks had built a cotton mill at Lincolnton, the Frieses at Salem, the Holts on Alamance Creek and Haw River, the Battles on Tar River at Rocky Mount Falls, and the Moreheads on the Dan at Spray. But these were only a few of the pioneers in textiles in North Carolina. After 1865 most of these enterprises passed under the control of younger men, the brothers and sons of the founders. For instance, upon the death in 1863 of Francis Fries, founder of the textile industry at Salem, his younger brother, Henry W. Fries, and later his sons, John W., Francis H., and Henry E., carried on and greatly expanded the

[9] Clark, "Manufactures in the South," *op. cit.*, 256-57.

business.[10] In 1866, Edwin M. Holt retired from the business which he had founded on Alamance Creek in 1837, turning it over to his sons, James H., William E., L. Banks Holt, and Lawrence S. and his son-in-law, James N. Williamson.[11]

Between 1865 and 1879 a new group of pioneers entered the field. In 1872 Mark Morgan began the development of the water power in Richmond (now Scotland) County. Two years later Thomas C. Leak organized a company to develop the power of the Pee Dee River at Rockingham. In 1877 John M. Odell, an experienced manufacturer, bought an old worn-out cotton mill at Concord and thus began one of the greatest industrial developments in America.[12] The census of 1870 credits North Carolina with 113 establishments manufacturing various forms of cotton goods, employing 3,053 operatives and $2,237,200 capital, and turning out products valued at $2,923,725.

The Tobacco Trade

The tobacco trade developed even more rapidly in the days following the war than textiles.[13] The Civil War increased the demand for two articles which North Carolina had always produced in considerable quantities, viz., whiskey and tobacco. After the war the soldiers continued in peace times the habits formed in the army, and beginning in 1865 "all over the country a new era opened for good tobacco." During the war James R. Green was manufacturing at Durham a brand of tobacco which he called the "Best Flavored Spanish Smoking Tobacco." In 1865 as Johnston's army, retreating before Sherman, passed through Durham the Confederate soldiers became acquainted

[10] See biographies in *Biographical History of North Carolina*, III, 129-56.

[11] See *ibid*, VII, 181-89, 196-99, 200-03, 495-98.

[12] See Mark Morgan, *ibid*, II, 282-93; Thomas C. Leak, *ibid*, IV, 270-75; and John M. Odell, *ibid*, II, 315-20.

[13] The following account of the beginning and growth of the tobacco business in Durham is based on Boyd's *The Story of Durham*, chs. IV-V. See also John Wilbur Jenkins's *James B. Duke: Master Builder*, *passim*

WASHINGTON DUKE'S FIRST FACTORY

ONE OF THE DUKE FACTORIES AT DURHAM

with Green's brand. Hard upon their heels came the victorious Federals, who signalized their stay in Durham by raiding the factory and stripping it bare of its product. Robbed of his goods and without capital, Green seemed faced by inevitable ruin. But the soldiers liked the "Best Flavored Spanish Smoking Tobacco," and soon from all parts of the United States began to send in orders for fresh supplies; the factory was reopened, business revived, and to make the expansion necessary to meet the demands for his product, Green was forced to seek additional capital. This was supplied by W. T. Blackwell, who became a partner in the firm. By this time others were putting out brands of Spanish Flavored Smoking Tobacco and Green had to seek a more distinctive name and a striking trade mark for his own brand. At the happy suggestion of a friend he adopted as a trade mark the picture of a Durham bull and as his label "Bull Durham Smoking Tobacco," and under that name the fame of his product soon encircled the globe.

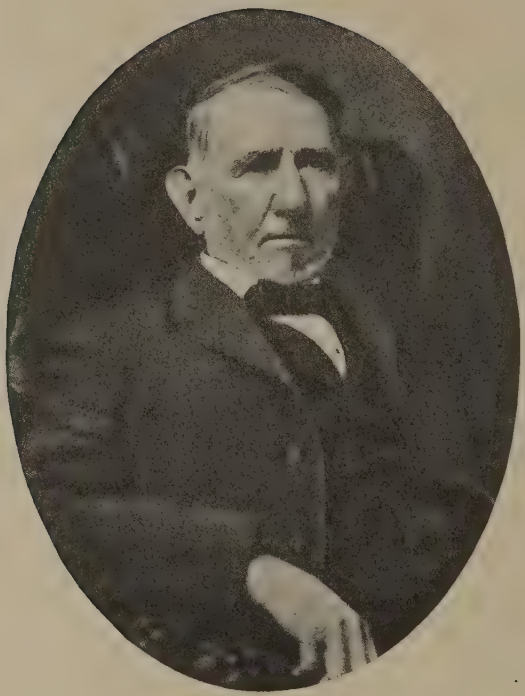
As a rule in North Carolina the early tobacco factory was a log barn located on the farm and the planter himself was the manufacturer. He cultivated his crop in the summer, harvested it in the fall, and manufactured and peddled it in the winter. Illustrative of the beginnings of the business in North Carolina is the story of the origin of the Duke tobacco interests. As Professor Boyd tells it, in 1865 Washington Duke returned from the Confederate army to take up life again on his three-hundred-acre farm in Orange County. He found that in his absence the place had been raided and stripped of its supplies by Sherman's soldiers. Duke was then forty-five years old, the father of five children, and the possessor of a cash capital of fifty cents in United States money, which a Federal soldier had given him for a Confederate five dollar note. It happened, however, that there was on his farm a small quantity of leaf tobacco which the soldiers somehow or other had overlooked. "In a small log cabin this was beaten and sifted, packed in bags, and labeled 'Pro Bono Publico.' It was loaded into a wagon with two barrels of flour and carried to eastern Carolina for sale. The wagon was drawn by two blind mules; to its end was attached a victual box containing a frying pan, two tin plates, a tin cup,

a side of bacon, a bushel of meal, and some sweet potatoes. Two blankets, two water buckets, and provender for the horses [mules] completed the outfit. At meal time food was prepared, and at night camp was made by the roadside. Such was the first step toward a fortune. The tobacco was easily sold, and with the proceeds bacon was purchased, while the flour was exchanged for two hundred pounds of cotton which was sold in Raleigh. As a present for his children a great luxury was purchased—a bag of sugar, that being an article which the people could not easily secure.

"It was at the end of this journey that Mr. Duke and his younger sons, James Buchanan and Benjamin Newton, decided to continue the home manufacture and sale of tobacco. A 'factory' 20 x 30 feet was built, constructed of logs. This was soon supplanted by an older building, an abandoned residence which had been used as a stable; and in turn by a new frame structure built for the business. The daily product was 400 or 500 pounds; in 1866 the total amount manufactured was 15,000 pounds, which brought thirty to forty cents per pound after the revenue taxes were paid. In 1872 the amount manufactured was 125,000 pounds."

This story of Washington Duke may be repeated with slight variations of detail of P. H. Hanes, John W. Hanes, R. J. Reynolds, and many another pioneer in the tobacco business in North Carolina.[14] By 1870 it was beginning to attract men with capital, among whom were W. T. Blackwell, James R. Day, and Julian S. Carr. Two important results immediately followed. The planter soon ceased to manufacture and sell his own product, and the business became concentrated in a few centers. Of these the most important were Durham and Winston. At Durham J. R. Green, W. T. Blackwell, and Julian S. Carr were developing the famous Bull Durham Smoking Tobacco. In 1869 Brodie L. Duke, eldest son of Washington Duke, moved from the Orange County farm to Durham and there began the

[14] See Pleasant H. Hanes, *Biographical History of North Carolina*, II, 139-46; John W. Hanes, *ibid*, II, 146-52; Richard J. Reynolds, *ibid*, III, 334-41.



WASHINGTON DUKE

manufacture of tobacco independently of his father. Five years later, Washington Duke and his two younger sons, James B. and Benjamin N., also moved to Durham. In 1868 Durham had only one tobacco factory; in 1869 there were four; and in 1872 twelve. Winston underwent a similar development. In 1872 the Hanes brothers, who had been engaged in the tobacco business at Mocksville, moved to Winston, and three years later were followed by Richard J. Reynolds, who had been manufacturing tobacco on his father's farm in Virginia. By 1870, there were in North Carolina 111 tobacco factories; they employed 1,465 hands, many of whom were negroes, who were peculiarly fitted for the kind of work required in the business; they represented an investment of $375,882, and turned out products valued at $718,765. Smoking tobacco, chewing tobacco, and snuff made up the output, and most of the work was done by hand. The marvelous development of the business that was to come later was the result of the application of machinery to the manufacture of cigarettes.

Transportation Conditions in 1865

The shift of the tobacco factory from the farm to the town was due chiefly to the necessity of seeking better transportation facilities.. As we have seen the rehabilitation of its transportation system was one of the first problems to which the South directed its attention after Appomattox. No phase of its economic life had suffered more from the war. Hundreds of highway bridges had been blown up and hundreds of miles of roads cut to pieces by marching armies. Steamboats had almost disappeared from southern rivers. Railroad properties were in ruins. "In 1865 the South possessed the wreck of the 10,000 miles of railroad which had been in operation or nearing completion at the time of the war's outbreak. All the embankments had been washed narrow by rain, the cuts and ditches were partly filled, the rails worn thin and splintered if not ripped up and wrapped around trees or thrown into the rivers, the cross-ties were mostly rotten, the depots and water tanks mostly

in ashes, the bridges crazy or destroyed, the rolling stock more fit for the scrap-heap than for traffic and the company treasuries empty except for worthless Confederate money. The rehabilitation of roadbeds, tracks, and equipment was an immediate problem with every company."[15]

In 1865 the principal railroad lines in North Carolina comprised an east to west route extending approximately 350 miles from Morehead City to the vicinity of Morganton, and three shorter lines, all connecting with the east to west line and all running more or less at right angles to it and parallel to the Appalachian mountain range. The east to west line, begun in the fifties and constructed largely by state aid, was owned by three companies. The Atlantic and North Carolina Railroad Company owned and operated the 95-mile line between Morehead City and Goldsboro, the North Carolina Railroad Company, the line between Goldsboro and Charlotte, 223 miles, by way of Raleigh, Greensboro, and Salisbury, and the Western North Carolina Railroad Company, the line from Salisbury to within four miles of Morganton, a distance of 76 miles, which it intended to carry ultimately to the Tennessee boundary line.

The three cross-state roads mentioned were the Wilmington and Weldon Railroad extending 161 miles from Wilmington to the falls of the Roanoke at Weldon, and connecting at Goldsboro with the North Carolina and the Atlantic and North Carolina railroads; the Raleigh and Gaston, extending from Raleigh, where it connected with the North Carolina Railroad, to Weldon, a distance of 95 miles; and the Piedmont Railroad, a short line of 48 miles, built during the war to connect the North Carolina Railroad at Greensboro with the Richmond and Danville Railroad at Danville. At Weldon the Wilmington and Weldon and the Raleigh and Gaston railroads connected with roads extending to Petersburg, Richmond, and Norfolk. The North Carolina Railroad connected at Charlotte with a road leading to Columbia, South Carolina.

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[15] U. B. Phillips, "Railway Transportation in the South" in the *South in the Building of the Nation*, VI, 305.

The most important of the other roads in the state in 1865 was the Wilmington, Charlotte and Rutherford, partly constructed westward from Wilmington toward Charlotte.

Over these lines by far the greater part of the state's travel and traffic passed. Most of the freight traffic of the state was focused on the Virginia cities of Norfolk, Petersburg, and Richmond. Practically no commerce was handled through Morehead City and after the war comparatively little through Wilmington.

In 1865 the railroads of the state were almost without exception in a miserable condition both financially and physically. The Confederacy owed them large sums for transportation, and a goodly portion of their earnings had been invested in Confederate securities and in state obligations payable only in Confederate money. It had been practically impossible to secure timber and rails for maintenance during the war, and labor had not been available for making other than the most indispensable repairs. One road, the Atlantic, Tennessee and Ohio, built between Charlotte and Statesville, forty-four miles, before the war, was completely demolished to provide iron for building the Piedmont and other roads which were deemed to be military necessities. A large number of bridges had been destroyed by the retreating Confederate soldiers and by the invading Federals. At the close of the war the Federal forces had possession of practically all the railroads east of Raleigh, and had made some improvements on them before returning them to their owners late in 1865.

The principal unfinished railroad projects in 1865 were the extension of the Western North Carolina Railroad across the mountains by way of Asheville to a connection with the Tennessee railroads, and the completion of the line from Wilmington to Charlotte. Before the war the latter project had been promised state aid, and by January 1, 1866, a total of $2,000,000 of state bonds had been issued to help it to carry on its construction. The state had also subscribed for two-thirds of the capital stock of the Western North Carolina Railroad.

Railroad Development During Reconstruction

As we have seen, the necessity for rebuilding and extending the state's transportation facilities formed the excuse for the fraudulent bond issues of 1868-69. All told a little more than $17,000,000 of bonds were issued, of which some $4,000,000 were afterwards returned to the state, the railroads receiving the balance. The bonds authorized were turned over to railroad officials and sold at greatly depreciated figures, some of them bringing as low as twenty cents on the dollar. Practically all the proceeds secured from their sale were squandered by the politicians who had secured control of the railroads. Railroad construction was of course greatly retarded. Owing to the heavy discounts suffered in the sale of the bonds and the misappropriation of the proceeds by railroad officials, most of the roads found themselves without adequate funds, and were forced to issue mortgage bonds to aid them in extending their lines. In 1873 the panic struck them and in practically every case led to bankruptcy, reorganization, and change of ownership before construction could proceed. A financial storm which forced many completed railroads into insolvency, easily wrought havoc with partially constructed roads without traffic connnections.

Considering the difficulties confronted, it is remarkable that railroad construction could proceed at all during the seventies. Nevertheless during this period several important lines were opened. The Wilmington, Charlotte and Rutherford Railroad, which had about 125 miles of road in 1868, underwent a reorganization and emerged on May 3, 1873, as the Carolina Central Railway Company, and on September 22, 1875, the new company completed the construction to Shelby, a distance of 241 miles from Wilmington. At this point work rested while another reorganization took place. On May 31, 1880, the road was sold under foreclosure, after having been in the hands of a receiver for four years, and a new company was organized which took charge of the property in July, 1880. This new company, called the Carolina Central Railroad Company, built an extension from Shelby to Rutherfordton late in 1886 and opened it early in the next year.

In 1871 the Raleigh and Augusta Air Line succeeded to the rights of the old Chatham Railroad. This company completed the main line to Hamlet on the Carolina Central road, a distance of ninety-seven miles from Raleigh, and opened it for traffic on September 13, 1877. From Hamlet connections were later secured with important roads leading to Columbia, Charleston, and Savannah.

Mention has already been made of the three east to west railroads, projected under state control for the purpose of establishing a trunk line route to the West based upon a North Carolina port. The state owned two-thirds of the stock of the Atlantic and North Carolina and the Western North Carolina railroads, and three-fourths of the stock of the North Carolina Railroad, which occupied the central position in the system. Partly because the three roads were never consolidated and operated as a unit, and partly because Norfolk appeared to be the logical and natural market for the commerce of North Carolina, the traffic routes which the state had hoped for never developed. The larger part of the commerce of North Carolina was carried on through the Virginia cities by way of Weldon.

The Richmond and Danville Railroad, having secured control of the Piedmont Railroad between Danville and Greensboro by buying up practically its entire capital stock and constructing the line for the military authorities during the war, was desirous of extending its interests farther to the south. In 1871 a group of northern capitalists acquired control of the road and in order to force a lease of the North Carolina Railroad threatened to parallel the latter's line between Greensboro and Charlotte, and to cut it off from favorable traffic connections at those points. The directors of the North Carolina Railroad were in no position to meet such competition and accordingly on September 11, 1871, signed a thirty-year lease of their property. This lease marks the beginning of the abandonment of the state's plan to establish east to west transportation based on Morehead City as a port. As soon as the Richmond and Danville secured the lease, it began to establish a north and south trend of traffic between Danville and Charlotte, which ever since has been a characteristic of the traffic of the Piedmont section of the state.

The Richmond and Danville Railroad constructed two important lines in North Carolina in the early seventies. One was the Northwestern North Carolina Railroad, from Greensboro to Winston-Salem, which was opened to traffic August 1, 1873; the other, the Atlanta and Charlotte Air Line, connecting the points named in its title, opened September 28, 1873. The former was operated by the Richmond and Danville, but the latter was operated as a separate road. Thus was established the route between Richmond and Atlanta that was long famous throughout the South as the "Piedmont Air Line."

The state of North Carolina did not at once abandon the attempt to build the Western North Carolina Railroad across the mountains. In 1868 the Legislature divided the original company into two companies, one of which was known as the Western Division of the Western North Carolina Railroad, while the other retained the name of the original company. For convenience, however, the latter will be referred to as the Eastern Division. The Western Division was to confine its efforts entirely to the construction of the lines west of Asheville. Of the fraudulent state bonds issued in 1868 and 1869 for the Western North Carolina Railroad, much the larger part went to the Western Division, which was controlled by George W. Swepson and Milton S. Littlefield. The Eastern Division received only $273,000 of the special tax bonds; but between 1865 and 1869, it received other state bonds issued in pursuance of the provisions of its original charter passed in 1855, making a total of $2,836,000 of state bonds received by it in this period. The cash proceeds of these bonds amounted to only about $1,246,000. Practically nothing was done by the Western Division looking toward the construction of its proposed lines west of Asheville, but in 1869 the Eastern Division completed construction to Old Fort. To fulfill its obligation to build the road to Asheville, the company was forced by lack of funds in 1870 to issue mortgage bonds to the extent of $850,000, and being unable to meet the interest on these bonds, it was thrown into a receivership in 1872.

After many attempts at reorganization, the state purchased the road at a foreclosure sale on June 22, 1875. From this time

until 1880 the road was controlled and operated by the state. During this period, and despite many handicaps, both physical and financial, the road was carried over the rugged mountain barrier to a point some seven miles east of Asheville. The construction over the mountains was made possible only by the employment of state convicts and direct appropriations from the state treasury. Its accomplishment was a monument to the efficiency and zeal of J. W. Wilson, the road's chief engineer. When completed to the Tennessee border, in 1882, it was the first railroad ever built over the Appalachian mountains south of the Roanoke River. The cost of construction had been a tremendous drain on the state treasury and was the object of widespread criticism and opposition in the state.

Abandonment of the State-Aid Policy

The lease of the North Carolina Railroad to the Richmond and Danville in 1871 put an end to the plan of building an east and west trunk line, and raised the question of the wisdom of the state's continuing the immensely expensive task of trying to carry the Western North Carolina Railroad across the mountains. The issue came to a head in 1879 when W. J. Best in behalf of a New York syndicate proposed to buy the road and complete its construction. Public opinion was sharply divided on the question, and the deciding factor was the favorable attitude of the governor, Thomas J. Jarvis, who had just succeeded Vance upon the latter's election to the United States Senate. Many years later Governor Jarvis told the story of the sale as follows:

> When Best and his associates in 1879 proposed to buy the Western road, the State was continuing her policy of building and operating railroads. I knew that to sell it meant to reverse this policy, but this was just what I wished to do. I wished to divorce the State from works of internal improvement and direct her energies to the development of her resources and the education of her children. I determined on a policy of letting private capital and enterprise build the road, and let [*sic*] the State take up those things which belong more particularly to the functions of government. . . . I called the board of directors of the

road in session in Raleigh, and they advised me to reject the offer and go on with the work of building. A number of strong men came out in violent opposition. Many of the public men of the State were silent and waiting.

The governor sought the advice of Thomas Ruffin and George Davis, who agreed with his views, and entrusted to them, both of whom served without compensation, the tasks of preparing the necessary papers and presenting the matter to the Legislature, which he called in special session March 15, 1880. A great debate on the proposition was staged in committee of the whole. Continuing his narrative, Governor Jarvis says:

A day or so after the Legislature met, Judge Merrimon, in an address at night in the House of Representatives, before the members of the Legislature, made an assault upon the proposed sale of the property and appealed to the members to defeat it. A night or so afterwards, Judge Ruffin replied to Judge Merrimon, and fully explained the provisions of the bill and the proposed new State policy. His speech was sharp, incisive and convincing. A night or so after this, Mr. Davis spoke for the State administration, in favor of the sale of the property and the inauguration of the new State policy. The hall of the House was packed. . . . It was a great speech . . . [and] swept away all opposition, and when the vote was taken but few in either House voted against authorizing the sale. . . .

With the sale of the Western North Carolina Railroad the State's policy was completely reversed and from that day the State has put no money in railroads, but has encouraged railroad building by individual capital and enterprise. Having taken the State out of railroad building, I took up the building of schoolhouses and making exhibition of the State's resources and inviting capital into the State.[16]

The sale of the Western North Carolina Railroad was consummated April 27, 1880. Under its terms, the Best syndicate agreed to complete the main line from Old Fort to Asheville, thence to build two branches, one to Murphy, the other to Paint Rock on the Tennessee boundary line. Finding itself unable to carry out its contract, the syndicate sold it to the Richmond and Danville Railroad Company, and in 1881 that company

[16] Connor, Henry G., *George Davis*, 34-36.

made Alexander B. Andrews president of the Western North Carolina Railroad for the purpose of building the two branch lines. The new president had before him the most difficult problem of railroad building ever attempted in North Carolina, but he attacked it with rare ability, determination, and courage. The line to Paint Rock was completed January 28, 1882. In 1890 the other line, about 125 miles in length, was opened to traffic from Asheville to Murphy. The work had been fraught with many troubles and difficulties, both political and financial, necessitating a great deal of legislation; but all had yielded to the indomitable will, energy and good faith of President Andrews, to whom North Carolina is chiefly indebted for the completion of this line through the mountains. The road has been of incalculable advantage to the state, and particularly to the mountain section, which has been developed by it far beyond the wildest hopes.[17] Thus after more than a half-century of effort was realized Morehead's great dream of "one great leading trunk line of railway from the magnificent harbor of Beaufort to the Tennessee line."

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[17] "Alexander Boyd Andrews," by S. A. Ashe.—*Biographical History of North Carolina*, I, 45-59.

CHAPTER XL

SOCIAL REHABILITATION

The reversal of the state's policy as to railroad building and the turning of its energies into the development of its social and intellectual resources marked the beginning of a new era in North Carolina. Religious and educational institutions had been quite as much demoralized by the Civil War and its aftermath as political and economic institutions, and their rehabilitation was a task to tax the capacity of both the ecclesiastical and political statesmanship of the state. With the work of the church, of course, the state had no direct concern further than to maintain the law and order necessary for its welfare, but the development of its educational institutions was one of the state's chief functions. The revival of religious and educational progress, therefore, went hand in hand with political and economic redemption.

Religious Conditions, 1860-1870

The condition of the church from 1860 to 1870 may best be described as stagnant. Although the war itself tended to strengthen and deepen men's spiritual life, it also prevented for the time being the development of their institutions of religion. In North Carolina, therefore, all the denominations suffered losses both of members and of property. Between 1860 and 1865, for instance, the Presbyterians lost 2,000 communicants, or about one-eighth of their entire membership.[1] Even the Baptists, who had been the most aggressive religious body in the state, retrograded. Between 1860 and 1870 not a single new association was organized. In the larger towns Baptist congregations "scarcely held their own," while in the rural communities many were entirely disintegrated.[2]

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[1] Craig, *Development of the Presbyterian Church in North Carolina*, 35.
[2] Williams, *History of the Baptists in North Carolina*, 159.

Moreover all the denominations suffered heavy material losses. The war put a stop to the construction of new church buildings and prevented the proper upkeep of church property, which of course deteriorated rapidly. The use of church buildings for other than religious purposes, damages from the accidents of war, and wanton destruction added materially to the property losses. At Wilmington, for instance, because in reply to military commands the rector declared that he had "no canonical right" to read the prayer for the President of the United States, the historic St. James's Church was "seized by military orders," the pews "torn out with pick-axes," and the building converted into a military hospital, despite the fact that there were in the city other buildings more suitable for hospital purposes and "other hospitals had to be emptied to supply even half the beds in the church, which were, indeed, never more than half filled. . . . But the church building was very seriously damaged. . . . The congregation thereby was heavily taxed at a time when they could ill afford it."[3] Grace Church at Plymouth was badly damaged during the bombardment of that town, while St. Peter's at Washington was burned during the occupation of the town by the Federal troops.[4]

Nor were the troubles of the churches over with the cessation of hostilities, for the military authorities constantly interfered with their religious functions. Episcopal clergymen were forbidden to read the services of the Church unless they omitted the prayer for the President of the Confederate States, and included the prayer for the President of the United States, although they were without ecclesiastical authority to do either;[5] and after the occupation of Wilmington in 1865 by Federal troops the provost marshal notified the pastor of Front Street Methodist Episcopal Church, South, Rev. L. S. Burkhead, that he might continue the services of the church provided he did "not pray for Jeff. Davis and the so-called Southern Confederacy." The negro members of Burkhead's congregation having claimed the title to the church building, one of the oldest

[3] Drane, *Sketch of St. James's Parish*, 76-79.

[4] Haywood, *Lives of the Bishops of North Carolina*, 169.

[5] Drane, *op. cit.*, 76-78.

Methodist churches in the state, in order to install a negro preacher in Burkhead's place, Major General Schofield, without the slightest investigation of the question, issued the following order:

> The Church building in Wilmington known as the African Methodist Episcopal Church, will be subject to the use of the colored members of the congregation during one-half each day (morning or evening) when the pulpit will be occupied by such minister, white or colored, as the colored members may select.
>
> This is not to exclude white persons from attendance upon the preaching of colored ministers, nor of colored people upon that of white ministers.

The church, of course, had never been known as "the African Methodist Episcopal Church," that name being adopted to give some color of justice to the military order. Burkhead submitted with the best grace he could and assigned the gallery to the negroes, reserving the body of the church for the whites; but on June 13, when accompanied by the presiding elder, he came to the church to open the Quarterly Meeting, he found it occupied by a troop of negro soldiers![6] Almost every community in the South which suffered military occupation had similar experiences.

All southern denominations suffered the handicap of poverty. The Baptist State Missions Board declared that 100 missionaries were needed immediately to carry on the work of the Denomination and the State Convention estimated the funds necessary for the work at $20,000 annually; yet before 1870 it was never able to put more than twenty-five missionaries in the field and found great difficulty in raising enough money to support them. It entered the year 1870 in debt to the amount of $916.55, and although it commissioned three agents to raise funds, they were able to collect only $208.15 above their salaries. Writing of the work of the Denomination in 1870, the historian of the North Carolina State Baptist Convention says: "There

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[6] Burkhead, "History of the Difficulties of the Pastorate of the Front Street Methodist Church, Wilmington, N. C., for the Year 1865." (*Trinity College Historical Society Papers*, Series VIII, 35-118.)

has never been an hour in the history of the Convention, before or since, when the outlook was so gloomy. The work had literally gone to pieces."[7] If this were the case with a Denomination noted for the liberality of its contributions to religious work, it can easily be imagined what the situation was with the others.

One of the arguments presented to the Baptist State Convention to stimulate interest in home missions was that certain religious bodies theretofore absent from the South were beginning to spy out this section as a possible field for missions, especially among the freedmen. They sought a foothold through education. In March, 1867, for instance, the American Unitarian Association founded at Wilmington an industrial school for negroes, and in August of the same year the Unitarian Association of Boston opened in the same city a free school for white children. Before 1870 the Universalists had organized two congregations in North Carolina. The Baptists viewed with alarm "the dangerous doctrines" which were thus finding their way into the state; and in 1866 the corresponding secretary of the State Convention issued a word of warning to the Denomination. "The Methodists, Presbyterians, Episcopalians and Baptists," he said, without much regard to historical accuracy, "have hitherto had almost exclusive control of the religious interests of the Southern States, but now Unitarians, and, indeed, all the isms which years ago gained a strong foothold in the Northern States, are looking upon our section of the country as a field already white for the harvest."[8]

An important problem which confronted the southern churches after the Civil War was their future relations with their denominations in the North. Before 1860 the Methodists, Baptists and Presbyterians separated into northern and southern churches over the slavery question, but no such division occurred in the Episcopal Church until after secession, when the southern dioceses organized the Protestant Episcopal Church in the Confederate States. The war removed the issue

[7] Johnson, *History of the North Carolina Baptist State Convention*, 69-99.

[8] Johnson, *op. cit.*, 75-76.

that had caused the division, but sectional animosities remained and no steps were taken to close the breaches in the former group.

That the division in the Episcopal Church did not also become permanent was due chiefly to the course pursued by Bishop Thomas Atkinson and the Diocese of North Carolina. The first General Convention after the war was to meet in Philadelphia, October 4-24, 1865, and the southern bishops were urged to attend and to see that their dioceses were properly represented. North Carolina alone responded. The Diocesan Convention of North Carolina adopted a resolution approving the proposed reunion and elected delegates; and Bishop Atkinson, accompanied by the delegation and also by Bishop Lay of Arkansas, who was residing in North Carolina at the time, went to Philadelphia. A resolution was introduced into the convention proposing a thanksgiving service for "the restoration of peace and the reestablishment of the National government over the whole land." Bishop Atkinson declared that neither he nor the southern people could join in such a service; they had hoped, he said, for a different issue of the war; and while they were willing to accept the result like good citizens, they could not declare themselves thankful for it. His firm but tactful stand led to the substitution of a resolution to "return thanks for peace to the country, and unity to the Church," and its adoption "settled the question of reunion;" the other southern dioceses were willing to come in on the terms held out, and soon thereafter the Southern Church met at Augusta, closed out its affairs, and ceased to exist. When the General Convention next met, in 1868, "every Southern Bishop was in his place and harmony again prevailed in the national councils of the Church." Before leaving Philadelphia, Bishop Atkinson was told that but for the presence of himself and the North Carolina delegation there would either have been no reunion, or it would have been upon terms unfavorable to the South.[9]

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[9] Haywood, *Lives of the Bishops of North Carolina*, 170-76.

Beginning of Religious Revival

The year 1870 may be taken to mark the end of the period of stagnation that had followed the war. The Conservative victory in the election of that year gave assurance of the return of orderly and economical government and the economic revival that soon followed encouraged men to go forward in every other line of activity. All the leading denominations seemed to take on new life about that time. In 1868 the Presbyterians expanded their organization by forming the Presbytery of Wilmington in the East, and the next year the Presbytery of Mecklenburg, in the West. The formation of these two Presbyteries "tended greatly to encourage the Synod" and was followed by "a great deal of aggressive and effective work."[10] The Episcopal Church had just held, in 1868, a general convention in which for the first time since 1859 all the dioceses in America were represented. In 1870 the Baptist State Convention decided that "a vigorous Corresponding Secretary must be put in the field without delay," and elected Rev. J. D. Hufham, under whose efficient and inspiring leadership "order was brought out of chaos, and the Convention once more started upon an upward and onward career."[11]

The census of 1870 reports thirteen different religious denominations in North Carolina. The Methodists with 1,193 "organizations"[12] led the list, closely followed by the Baptists with 986. A wide gap separated these leaders from the next group, the Presbyterians, who reported 204 "organizations." Episcopalians with 77 "organizations," Lutherans with 73, and Christians with 66, were running a close race for fourth place. In the next largest group, representing from 10 to 31 "organizations" each, in the order named, were the German Reformed, Quakers, Moravians, and Catholics. The Universalists reported

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[10] Craig, *Development of the Presbyterian Church in North Carolina*, 38-39.

[11] Johnson, *History of the North Carolina Baptist State Convention*, 84, 91.

[12] The census uses the word "organization" to include congregations, missions, etc.

two "organizations," and the Congregationalists and Jews one each. Altogether the churches owned 2,497 "edifices," having an aggregate value of $2,487,877. The Methodists led in the total value of church property at $755,805, followed by the Baptists with property valued at $578,050, but in the average value of church buildings both fell far behind the Catholics at $6,800 and the Episcopalians at $6,000. The impetus given religious activities by the reestablishment of good government is strikingly illustrated in the fact that between 1870 and 1880 the value of church property in North Carolina was trebled.

Public Schools During War Times

The Civil War laid a heavy hand on the educational institutions of North Carolina, and Reconstruction imposed an educational handicap from which the state has not yet recovered.[13] Poverty, ignorance, prejudice, social demoralization—these were the obstacles with which the friends of education had to contend for the two or three generations following the war. The problem of financing the material equipment of schools might have been met by the use of the state's credit but for the popular hostility to the very idea of bond issues aroused by the financial orgies of the carpetbag régime. Ignorance hung like a pall over the state; in 1870 there were in North Carolina 166,396 whites and 250,606 blacks over ten years of age who could not write their names. A deep-seated prejudice against public education had been implanted in the minds of the whites by the determination of the radicals to force social equality between the races and to forbid their separation in the schools. Moreover, for a decade after the war the solution of the political problem, involving as it did the elemental things of society—

[13] The history of public education from 1860 to 1875 is more extensively treated in Knight's *Public School Education in North Carolina*, chs. XI-XIV. See also Smith's *History of Education in North Carolina*, ch. IX; Boyd's "Some Phases of Educational History in the South Since 1865" in *Studies in Southern History and Politics*; Hamilton's *Reconstruction in North Carolina*, chs. VII and XVI; and Weeks's *Beginnings of the Common School System in the South* (*Report of the United States Commissioner of Education for 1896-97*, vol. II, ch. IX.)

law, order, peace, security of property, the preservation of life itself—completely absorbed the energies and the physical and mental resources of the native whites who alone were competent to establish, organize, and direct a system of public schools.

The common school system, established before 1860, continued to operate with unexpected regularity and consistency throughout the Civil War. No sooner had North Carolina seceded than a strong movement was launched to close the schools and convert the school fund into a war fund. Superintendent Wiley protested vigorously against such a suicidal policy. He first issued a circular to the county school officials giving them the arguments in favor of the preservation of the school fund intact for educational purposes. He then sought to win over Governor Ellis and his Council. "No people," he told them, "could or would be free who were unable or unwilling to educate their children"; and the fact that the state was about to enter upon a war for independence was an additional reason for keeping the schools open. He answered completely the arguments of those who were so short-sighted as to "think that a war for political, social, commercial and intellectual independence could be waged with better results by arresting or destroying all those springs of life on which national wealth and greatness are founded." The governor and councillors were won and entered into an informal agreement to oppose any attack on the school fund. Governor Clark and Governor Vance, successors of Governor Ellis, adopted the same policy. The press was also won. "In the name of the good people of the state," advised the *Standard*, "let none of the schools be abandoned"; while the Charlotte *Democrat* declared that "the children of the state must be taught to read and write, war or no war." A bill introduced in the Legislature of 1861 providing for the use of the school fund for military purposes was defeated, and the precedent thus set was followed by subsequent legislatures.

The schools were thus kept open and throughout the darkest days of the struggle Superintendent Wiley continued to receive reports from the various counties. But the gradual depreciation of Confederate currency and an ever diminishing school fund were obstacles that could not be overcome. During the

war the Literary Fund remained untouched for military purposes, but the trustees invested heavily in state and Confederate securities, and in bank and railroad stocks, and in the wreck which came at the close of the war, the fund was almost entirely lost. An investment of $650,000 of the Literary Fund in state bonds was lost when President Johnson required the Convention of 1865 to repudiate the war debt. In 1869, Holden's administration sold $600,000 worth of the Board's railroad stock for $148,000 and invested the proceeds in fraudulent special tax bonds. Stock in the Cape Fear Navigation Company, representing an investment of $32,500, was sold for $3,250. An investment of $1,000,000 in bank stocks was wiped out by the collapse of the state banks after the war. The total losses of the Literary Fund by the war and Reconstruction amounted to nearly $2,500,000. With these losses went the principal means of school support and the financial basis of the ante-bellum school system.

Wiley's report for 1861-62 contains returns from sixty-five counties. Fifty-nine of them reported a school attendance of 52,000, and Wiley estimated that 65,000 pupils were enrolled in all the common schools during the first year of the war. More than 1,200 teachers had been licensed and 1,500 schools had been in operation for a term of about three months. The actual disbursement for schools in sixty counties amounted to $118,000. By this time, however, the counties had been released from the obligation of levying taxes for education, and the revenue from the Literary Fund was insufficient to maintain the schools as long as usual. Wiley's main efforts, therefore, were directed to keeping the frame work and machinery of the system in as good order as possible, to supplying the places of men teachers called to the war with qualified women teachers, and to continuing schools wherever competent teachers could be secured.

In 1863 fifty counties reported more than 35,000 children in regular attendance in 1,076 schools, and forty-four counties reported the certification of 872 teachers. The average school term was three months and the average salary paid teachers was $25 per month. The number of women teachers was constantly on the increase. The depreciation of the currency and

the ravages of war made it difficult to keep the schools open; nevertheless, Wiley estimated that fully 50,000 children attended the common schools in 1863, and truly declared that "the future historian of this stirring age will not fail to find evidences of the moral energy that this fact implies." Wiley continued his work to the bitter end; he was in his office receiving reports when the news of Johnston's surrender was announced to him, and he kept his office open until October 19, when by an ordinance of the Convention of 1865 it was declared vacant.

Not very much was done for the promotion of public education during the period of Presidential Reconstruction. In February, 1866, the Legislature abolished the office of state superintendent of common schools and the office of treasurer of the Literary Fund, and authorized the justices of the county courts to lay and collect taxes for common school support. Discretionary powers were given to the county school authorities to grant aid to subscription schools, and to permit such schools to be conducted in the public schoolhouses. A bill appropriating $75,000 from the state treasury for the public schools passed the House but was defeated in the Senate. This action, however, did not indicate legislative hostility to education, for the same Legislature appropriated $7,000 to relieve the State University of temporary embarrassment. But the people were impoverished, the old Literary Fund was practically wiped out, and school affairs were in confusion; and there was no plan for the support of the schools except by a greatly increased tax rate, which would have been too burdensome on the people.

The Legislature of 1866-67 passed two acts of educational importance which somewhat made amends for the conduct of its predecessor. One was an act authorizing towns and cities to establish public school systems supported by taxation. Towns which established schools under this law were required to set apart for their support all the funds which could be spared from other purposes; and were authorized to levy and collect a poll tax not to exceed $2 on white males over twenty-one years old, for the use of the schools. Provision must be made first for primary schools, and afterwards, if funds were adequate, for schools of higher grade. The other act was an attempt to

revive the county machinery of the former system of common schools. It was not successful.

Public Education During Congressional Reconstruction

The Convention of 1868 devoted a great deal of attention to the problem of public education. The article on education in the new Constitution contained many excellent features, but the good that might have come from them was more than offset by the evil that came from others of less wisdom. The personnel of the Convention's Committee on Education foreshadowed the educational policy of that body. It consisted of two Conservatives, seven carpet-baggers, two negroes, and four scalawags. The Conservatives, both in the committee and in the Convention itself, endeavored to incorporate in the new Constitution a provision requiring separate schools for the two races, but were defeated after a bitter contest. A half century passed before the public schools recovered from the effects of this setback.

The new Constitution required the General Assembly to "provide, by taxation and otherwise, for a general and uniform system of public schools, wherein tuition shall be free of charge to all the children of the State between the ages of six and twenty-one years." In every school district one or more public schools were to be maintained "at least four months in every year," and county commissioners who failed to comply with this mandate were liable to indictment. A State Board of Education was created, consisting of the governor, lieutenant-governor, secretary of state, treasurer, auditor, superintendent of public works, superintendent of public instruction, and attorney-general, declared to be the successor of the Literary Board, and given "full power to legislate and make all needful rules and regulations in relation to free public schools and the educational fund of the State," subject to revision by the General Assembly. The University of North Carolina was henceforth to "be held to an inseparable connection with the free public school system of the State;" and was brought under the control of the State Board of Education. The Constitution also directed the General Assembly to "establish and maintain, in connection with the

University, a department of agriculture, of mechanics, of mining, and of normal instruction."

The state now had ample constitutional provisions for schools, more mandatory and thorough than at any previous time. A rather thorough-going and definite school law was enacted by the Legislature of 1868-69, and $100,000 was appropriated for public schools. In most respects the act of 1869 was practically the same as the school law of 1839 and its subsequent revisions. Important exceptions were its provisions for a definitely prescribed school term, for a general school tax, and for the education of the negro. The school system created in 1869 was, in most of its features, a continuation of the system in operation in the state before 1865. The work of the Convention of 1868 and of the Legislature had been well done, but elaborate constitutions and statutes did not meet all of the educational needs of the state, and public education was now confronted by new and peculiar difficulties.

Rev. S. S. Ashley, Massachusetts carpet-bagger, whom Joe Turner dubbed the "Pilgrim," was the first superintendent of public instruction under the new régime. An earnest man of some ability, he was narrow, imprudent, and often reckless, if not corrupt. His temperament and sentiments thoroughly unsuited him for his position. He was contemptuous of the sentiments of the people of the state, favored mixed schools, and took more interest in the education of the negro than in any other phase of his work. His first report, November 10, 1868, appeared before the new school law had been enacted and the new system organized, but it contained some interesting educational facts. The total amount of funds available for public educational purposes was about $32,000—"a sad diminution!" lamented the superintendent. "Prior to 1861," he continued. "hundreds of thousands of dollars found their way into this treasury, and were distributed over the State, conferring upon not less than one hundred thousand white children the blessings of the free school." He pointed out also the necessity for taxation for schools, referred to the conditions and needs of the State University, and urged the establishment of normal schools.

Lack of funds handicapped the school system. The income from the Literary Fund was small, the legislative appropriation of $100,000 could not be paid, and capitation taxes, 75 per cent of which was set aside for educational purposes, were poorly collected. In March, 1870, a small tax was authorized to raise the appropriation of $100,000, but it brought in less than $23,000. Moreover, county officials often used the school funds derived from state and county capitation taxes for other purposes than education.

A new cause for discouragement appeared in 1870, when the Supreme Court held that the provisions of the act of 1869, authorizing local taxes for education, were unconstitutional and void. The Constitution and the school law definitely prescribed the manner by which "a general and uniform system of schools" should be maintained for four months in the year. It was made the duty of the local school committees to estimate annually the revenue necessary to support the schools for the prescribed term, and to report their estimates to the township trustees and the county commissioners. If the township failed to provide the necessary funds, a local tax must be levied to raise them. On account of the heavy expense required to maintain a four months' school and the straitened financial condition of the people the local officials often failed to provide the funds or to levy the taxes required. Moreover, when the question of levying such a tax was submitted to a popular vote, the people invariably voted against it.

The question soon arose, therefore, whether, after a school tax had been defeated by the people, the county commissioners could levy a tax under Section 7, Article VII, of the Constitution, which provided that no tax should be levied or collected by the officers of any county or municipality "except for the necessary expenses thereof, unless by a vote of the majority of the qualified voters therein." Were the public schools a "necessary expense" in the meaning of the Constitution? Craven County furnished a test case. In 1870, despite the fact that such a tax levy in a certain district had been defeated by popular vote, the county commissioners levied the tax for maintaining the school. An injunction against its collection was

sought on two grounds: (1) that the commissioners had violated the Constitution in that the levy had not been authorized by a vote of the people; (2) that in levying the tax the constitutional equation of taxation provided for in Section 1, Article V, had not been observed. The judge granted a temporary injunction, but after hearing argument, dissolved it on November 12, 1870. The Supreme Court on appeal reversed the lower court. Its opinion decided two points: First, that schools were not a necessary expense, within the meaning of the Constitution; second, that the constitutional equation between the property tax and the capitation tax must be observed. This decision placed a heavy burden on the school system. With popular opinion already set against taxation for educational purposes, the school law was practically ineffective and the continuance of schools seemed doubtful unless the defective legislation of 1869 could be corrected.[14]

Revival of the Public Schools

The Legislature of 1870-71 was too much concerned with the impeachment of Governor Holden to contribute much to the advancement of education. In the interest of a false economy, it reduced the salary of the state superintendent from $2,400 to $1,500, curtailed his clerical force, and cut off his account for traveling expenses. The chief benefit the state received from this act was the resignation of Ashley in September, 1871, who departed to accept a position in a school for negroes in New Orleans. Governor Caldwell appointed Alexander McIver, a professor in the State University, to fill the vacancy. McIver's report for 1872 showed that only $155,000 had been expended for the support of public schools, and that out of a school population of 182,000 whites and 85,000 negroes, only 34,000 whites and 16,000 negroes were enrolled. Conditions in general were discouraging; the public school system labored under the handicaps of an indifferent public, a defective

[14] Coon, Charles L., "School Support and Our North Carolina Courts, 1868-1926." (*North Carolina Historical Review*, vol. III, no. 3. July, 1926.)

school law with vague and uncertain provisions for local school taxes, frequent litigation to prevent the levy and collection of such taxes, and the misuse of school funds by unscrupulous public officials.

The fear of social equality alarmed the whites and prejudiced them against the public school system. Although the school law provided for the separation of the races in the schools, the Constitution was silent on the subject, and there hung over the whites the constant threat of mixed schools. Point was given to their fears by the proceedings in Congress on the Civil Rights Bill, designed to secure to the blacks rights identical with those of the whites in hotels, public conveyances, schools, churches, theaters, and other public places. It provided that, "All citizens and persons within the jurisdiction of the United States shall be entitled to full and equal enjoyment of the advantages of the common schools and other institutions of learning and benevolence without distinction of race, color, or previous condition of servitude." The bill passed the United States Senate, May 23, 1874, and had considerable support in the House of Representatives, but not enough to call it up for consideration out of its order, and Congress adjourned before it could be brought to a vote. Its agitation, however, temporarily retarded educational progress in every southern state. In North Carolina contracts for building new schoolhouses were held up, engagements with teachers were suspended, school officials resigned, and state legislation which looked to an improvement in the school system was delayed. The most conspicuous example of its effects was the fate of a bill for the establishment of city school systems. Introduced in the Legislature of 1872-73, the bill at first was favorably considered, but was finally dropped under an apprehension that the Civil Rights Bill would soon become a law.

In July, 1873, the meeting in Raleigh of an educational convention, called by the State Board of Education, gave a considerable stimulus to the cause of education. It declared, among other things, that "the general educational interests of this state are deplorable and alarming in a high degree;" and it called upon the press, the pulpit, and the leaders of thought generally "to be zealous and constant in making efforts to arouse

the whole people to a realizing sense of the paramount importance of education, and especially of common schools." The organization of a permanent association was effected, a resolution adopted for the organization of county associations, and a plan accepted for the publication of an educational journal. At the second annual meeting, in July, 1874, plans were made for an educational campaign and for memorializing the Legislature in behalf of the public school system. The Association became an

A Typical Country School House

important factor in the educational movement that followed the overthrow of the Reconstruction government.

In 1874, Stephen D. Pool, Conservative candidate, was elected superintendent of public instruction. He served from January 1, 1875, until July, 1876, when a charge of irregularities in the handling of funds appropriated by the Peabody Education Board forced him to resign. Governor Brogden appointed to the vacancy John Pool, who served until January, 1877, when John C. Scarborough, who had been elected on the Vance ticket, was inaugurated. At that time the Constitution submitted by the Convention of 1875 went into effect. The first Legislature under this Constitution established two normal schools, one for

each race, and appropriated $2,000 annually for their support. By another act authority was given to townships of a certain population to levy taxes for public graded schools upon the vote of a majority of the qualified voters.

The Peabody Education Fund

During the Reconstruction period numerous outside agencies engaged in educational work in the state. Their chief interest was in the negro, but they did not limit their contributions to him. Notable work was done by the Baltimore Association of Friends, which built thirty-two new schoolhouses in the state and in 1869 had in operation forty-four schools for whites with an enrollment upwards of 3,000. Schools for negroes were established by numerous northern societies formed for the purpose, as well as by certain religious bodies, especially the Friends, the Episcopalians, and the Presbyterians. In 1869 these agencies supported schools in which were enrolled 11,826 pupils.[15] But by far the most important of all the agencies of negro education was the Freedmen's Bureau. The superintendent in charge of its educational work was Rev. F. A. Fiske, like Ashley, a Massachusetts carpet-bagger, to whose earnest, aggressive labors among the negroes the success of the Bureau's educational work was largely due. In 1869 the Bureau was supporting 431 schools, with 439 teachers, and with an enrollment of 20,000 pupils.[16]

The most wholesome educational influence in North Carolina during Reconstruction, and for many years afterwards, was the Peabody Education Board. This Board administered a fund, ultimately amounting to $3,000,000, established by George Peabody in 1867 for the encouragement of education in the destitute southern states. Peabody's object, as stated in his letter creating the trust, was the promotion of primary education in "those portions of our beloved and common country which have suffered from the destructive ravages, and not less disastrous consequences, of Civil War." "Free schools for the whole people,

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[15] Hamilton, *Reconstruction*, 612.

[16] *Ibid*, 314-20.

white and colored," was the Board's motto; its method was to help those who were able and willing to help themselves. Aid was given in the establishment of schools, in the preparation of teachers, to state departments of education, to state teachers' associations, and to educational periodicals.

North Carolina was one of the first states to participate in the distribution of the fund. By 1877 the total granted to North Carolina amounted to $87,600, as a result of which many communities had established schools and raised for them by taxation funds amounting to $350,000. Definite results of the influence of the Peabody Fund were the stimulation of local enterprise and community patriotism, the gradual rise of city and town school systems, the encouragement and final establishment of a complete state system of schools, the gradual weakening of hostility to the education of the negro, and the breaking down of the bitter spirit of sectionalism.[17]

The War and the Colleges

War and Reconstruction hit the colleges quite as hard as the common schools. Wake Forest College was forced to suspend in 1862. Two years later its buildings were converted into a Confederate hospital and were so used until the close of the war. The war reduced its endowment from $57,300 to $11,700. Despite its losses the college was able to reopen in 1866. Soon thereafter it inaugurated a campaign to raise funds, which, considering the circumstances of the times, met with considerable success. At the Baptist State Convention of 1867 the agent of the college reported that he "had been in the field four months and had secured in cash and subscriptions $16,000."[18] During the next decade, under the able leadership of President W. M. Wingate, the college was able once more to struggle to its feet.

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[17] For a fuller discussion of this fund see "The Peabody Education Fund" by R. D. W. Connor in *South Atlantic Quarterly*, vol. IV, no. 2, April, 1905.

[18] Johnson, *History of the North Carolina Baptist State Convention*, 73-74, 77-78; Williams, *History of the Baptists in North Carolina*, 90-94.

Davidson College had a similar experience. At the outbreak of the war it was the strongest church college in the state. The call for troops depleted its classrooms. In 1861 the Junior Class "as a unit asked permission to go into the service," and the request was granted. Upon the passage of the Conscription Act in 1862 all the students subject to its provisions promptly entered the army, leaving behind only twenty-four to answer the class roll calls. One student was graduated in 1864, none in 1862, 1863, 1865, and 1866. The doors of the college were closed April 20, 1865, and a few days later a detachment of Federal troops raided the buildings, doing much damage. In 1864 Davidson had no debts and its assets amounted to $256,445. The war swept them all away except $85,500. Even at that Davidson came out of the war in better financial shape than any other North Carolina college and was thus able to get on its feet again more quickly than any other.[19]

In 1860 Trinity was the weakest of the church colleges. Its endowment was small and in 1862 its income was only $7,500. Nevertheless it was developing satisfactorily when the war broke out. Plans were under way for the erection of "another brick structure," at a cost of $15,000, but they were abandoned when the state seceded. As with the other colleges, students at Trinity withdrew in large numbers to join the army; in 1864 there was but one graduate, in 1865 none. The occupation of the village by Confederate troops in April, 1865, forced the college to suspend exercises until January, 1866.[20] After the war, grim poverty laid a heavy burden on the institution. "Things look gloomy," confided President Craven to his diary, January 17, 1868. . . . "Shall have a terrible time in the money line this year. Many students will not return for want of money."[21] From 1868 to 1884 the college struggled for existence but managed to keep going despite an annual deficit and a steadily decreasing enrollment. It was finally "saved from complete collapse" by timely financial assistance from three success-

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[19] Shaw, *Davidson College, passim.*

[20] Raper, *Church and Private Schools in North Carolina,* 181-82.

[21] Brooks, "Craven's Reorganization and Management of the College" in *Trinity Alumni Register,* vol. III, no. 1. April, 1917.

ful business men who were playing an important part in the economic rehabilitation of the state and whose aid to Trinity College in 1884 was significant as the first step in the linking up of the economic with the educational development of the new commonwealth.[22]

The University of North Carolina

The University of North Carolina managed to keep its doors open throughout the war. In 1860 its student body of 376 represented every southern state. Says its historian: "As each State passed an ordinance of secession, its citizens at the University hurried home fired with zeal to take up arms."[23] The Freshman Class of eighty students pressed into service with such impetuosity that but a single individual remained to graduate, and he had offered his services and had been declined on account of health. In 1864-65 only sixty-five students matriculated. In the meantime one-third of the members of the faculty had entered military service.

A crisis in the University's life was reached in 1863, when the enforcement of the Conscription Act threatened it with destruction. President Swain addressed a letter to the President of the Confederacy urging the exemption of students until they had completed their college work. "They can make no appreciable addition to the army," he wrote, "but their withdrawal may very seriously affect our organization, and in its ultimate effects cause us to close the doors of the oldest university at present accessible to the students of the Confederacy." President Davis replied favorably to the suggestion, saying that "the seed corn should not be ground up." But within the year the necessities of war required the rescinding of his order and every student in the University capable of bearing arms imme-

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[22] Boyd, *Story of Durham*, 168-69.

[23] Battle, K. P., *History of the University of North Carolina*. I, 719. This account of the University in the Civil War and Reconstruction is based primarily on Dr. Battle's narrative. For a more detailed account of the University's contributions to the Confederacy see Weeks's address, "The University of North Carolina in the Civil War," at the Centennial Celebration, June 5, 1895.

diately joined the colors. Of the fifteen members of the class of 1865, fourteen enlisted and the fifteenth was rejected for physical disabilities.

Nevertheless the doors of the University were kept open. Members of the faculty offered to serve without salary in order to prevent the suspension of exercises. Even after the Confederacy had fallen and the University buildings had been turned into barracks and stables for the 4,000 Michigan cavalry that occupied Chapel Hill, the college bell was rung daily and the dozen students who had wandered back to their old haunts attended classes. At the commencement of 1865 four Seniors, three of whom were battle-scarred veterans of Lee and Jackson, returned to receive their diplomas.

The University survived the war; Reconstruction closed its doors. The causes of this catastrophe were two—poverty and politics. In 1865 the University's endowment consisted in the main of 2,000 shares of state bank stock and 250 one-thousand-dollar Confederate bonds. The war had made both worthless. The liabilities of the institution were about $100,000. Every effort was made to save the college. Its debts were compromised for $27,000. A legislative appropriation of $7,000 and a small sum received from the sale of some land scrip acquired under the Morrill Act enabled it to keep going through 1866 and 1867, and it might have been able to solve its financial problem had it not been strangled by partisan politics.

By the Constitution of 1868 the Board of Trustees of the University was to consist of the members of the State Board of Education, *ex officio,* and one member chosen by that board from each county in the state. Thus the old non-partisan self-perpetuating board was to be superseded by a political board. The new board, which went into office July 1, 1868, was composed entirely of Republicans, including some of the most notoriously corrupt carpet-baggers in the state.[24] At its first

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[24] For a list of the trustees see Battle's *History,* II, 785-86. In it one may detect the names of Albion W. Tourgee, Abiel W. Fisher, "Pilgrim" Ashley, "Greasy Sam" Watts, "Kildee" Lassiter, "Ipecac" Menninger, J. C. Abbott, Byron Laflin, and some others of equally unsavory memory. On the other hand, despite the company they were in, others, among whom one may name W. B. Rodman, Victor C. Barringer, Montford McGehee, R. P.

meeting it ousted President Swain and proceeded to make a clean sweep of the old faculty. Partisan politics dictated its selections. The new president, chosen after Governor Holden's son-in-law had unexpectedly declined the position, was a brother of Senator John Pool, the new professor of Latin a nephew of Judge Settle, and the new professor of belles-lettres a brother-in-law of "Pilgrim" Ashley. Holden, Pool, Settle, and Ashley were all members of the Board of Trustees. The new professor of Greek was the former head of a negro school in Raleigh who "openly expressed his hope" of converting the University into a negro college supported by funds which he declared "would be forthcoming from the North at once."[25]

Sorrow and indignation at the use of the University for political spoils filled the breasts of the Conservatives of the state. "Oh, how I sorrow for Chapel Hill!" lamented Vance, in 1869. "How worse than desolate it must look under the oaks!"[26] For two sessions the new faculty waited for students, but waited in vain; money began to give out, and the Legislature was cold to the appeal for relief; and by 1870 the faculty began to look around for other fields of labor. The whole scheme was "a fraud and a farce," and the pretense of a university could no longer be kept up; in 1870 its doors were closed for the first time in seventy-five years. A student more realistic than sentimental expressed the general feeling when he wrote on the walls of one of the recitation rooms the following memorandum, which remained there for several years, "This old University has busted and gone to hell today!"[27]

The friends of the University were gratified at the "grand fizzle" made by the new régime, since it gave them a chance to regain control. They hoped for a constitutional convention to

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Buxton, W. P. Bynum, Thomas Settle, and George W. Brooks, would have added prestige to the Board of Trustees at any time in its history.

[25] Mrs. Spencer to Governor Vance. Chapel Hill, Sept. 30, 1871. Printed in Hope Summerell Chamberlain's *Old Days in Chapel Hill*, 199-201. This book, the sub-title of which is *The Life and Letters of Cornelia Phillips Spencer*, presents a remarkably vivid picture of Chapel Hill and the University during the period from 1865 to 1875.

[26] Vance to Mrs. Spencer Chamberlain, *Old Days in Chapel Hill*, 153.

[27] Chamberlain, *Old Days in Chapel Hill*, 225.

change the method of electing trustees and were sorely disappointed when such a convention was defeated in 1871. "The failure to get a Constitutional Convention," lamented Mrs. Spencer, in August, 1871, "has seemed to set all hopes for Chapel Hill further off than ever."[28] Nevertheless they permitted no let up in their efforts to arouse popular interest. Particularly effective was Mrs. Cornelia Phillip Spencer's pen. She wrote letters to everybody of influence, contributed numerous anonymous articles to the press, and in her "Pen and Ink Sketches of the University," published in the *Sentinel* and later reprinted in the *North Carolina Presbyterian,* she painted conditions at Chapel Hill in unforgettable phrases. The names of those who backed up her efforts would be but a catalogue of the eminent Conservative leaders of the period, chief of whom was Kemp P. Battle, who was later to serve the University as president during the critical days of its revival.

Efforts to revive the institution on a non-partisan basis in 1871 were thwarted by the Republican Board of Trustees, under the leadership of Governor Caldwell, but the friends of non-partisan control scored in 1873, when the amendment to the Constitution changing the composition of the Board of Trustees and placing the election of its members in the Legislature was ratified by the voters. A new board was elected by the Legislature of 1873-74, with William A. Graham as chairman, and Kemp P. Battle as secretary-treasurer. Governor Caldwell, who denied the validity of the new amendment, directed Alexander McIver, secretary of the old Board, not to surrender the University's seal and records, but in a friendly suit brought to test the question, the Supreme Court decided in favor of the new Board. In 1875, therefore, it assumed charge, reorganized the University, elected a new faculty, and in September with impressive ceremonies reopened its doors with fifty-nine students in attendance. The next year the trustees elected Kemp P. Battle president, and under his direction "the University began slowly to climb back to health and strength that it might enter with its full powers upon a career of greater usefulness, free from any taint of politics, in the service of all the people."[29]

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[28] Mrs. Spencer to Vance, Sept. 30, 1871, *op. cit.*, 201.

[29] Hamilton, *Reconstruction in North Carolina*, 630.

CHAPTER XLI

THE BOURBON DEMOCRACY OF THE EIGHTIES

The turbulent years of Reconstruction were followed by an era of relative calm. Once in control of the state government and with Federal troops removed, the Democratic party seemed invincible and consequently became ultra-conservative. As the party which reflected the popular abhorrence of negro rule, proclaimed devotion to the "Lost Cause," and boasted of having "saved Anglo-Saxon civilization," it made such a powerful appeal to white voters that it came to believe that nothing short of a political revolution could possibly shake its hold on the state. True such a revolution was destined to come in the nineties, but it was not on the horizon when, amidst the wildest rejoicing, Vance was inaugurated in January, 1877.

The Democracy of the Eighties

The political order that ruled the state from 1877 to 1894 came to be known as the "Bourbon Democracy," a term applied also to the dominant groups in the other states of the erstwhile Confederacy.[1] Originated by Republicans at the North, the term was meant to imply that the old slaveholding aristocracy, having like the Bourbons "learned nothing and forgotten nothing," had returned to power in the South, bent upon restoring

[1] The best secondary account of the politics of this period is Hamilton's *History of North Carolina Since 1860*, chs. X-XI. Ashe's *History of North Carolina*, vol. II, has an especial value from the fact that the author was an important actor in the events he records, so that his account, to a certain extent, assumes the character of memoirs. Other works bearing on the period are: Connor and Poe, *Life and Speeches of Charles B. Aycock;* Dowd, *Life of Zebulon B. Vance;* Jones, *Memoirs and Speeches of Locke Craig;* Whitaker, *Incidents and Anecdotes;* and Knight, *Public School Education in North Carolina.*

as much as possible of the old régime. Such implications, however, were scarcely in accordance with the facts. To be sure, familiar faces appeared in the councils of the new Democracy, and the new order was more like the old than the intervening era of Republican rule had been. But it was not an aristocracy. It did not even represent to the same extent as formerly the interests of the agricultural classes. If among the motley mass which composed the restored Democracy any social groups were paramount in influence they were the rising business and professional men of the towns and villages. A new era was dawning in the social and economic, as well as in the political life of the state. The center of gravity was shifting from country to town. Returning prosperity cast its smiles upon merchants and money lenders, railroad promoters, industrial leaders, investors and lawyers long before it did upon farmers or even the large planters.

Though part of a world-wide trend resulting from the Industrial Revolution, this shifting of wealth, power and influence from the agricultural to the business classes was greatly hastened in the South by the Civil War and was well under way before the process of industrialization had proceeded very far in this section. No other class had been as completely ruined by the Civil War as had the farmers. Nor did any other group find the work of rehabilitation beset with so many difficulties. Slaves freed, labor demoralized, farms run down, land a drug on the market, credit obtainable only upon the most unreasonable terms, and the prices of their products almost constantly falling for a generation, the farmers were held in the toils of debt and financial dependence. Townspeople with capital more fluid than agricultural land and with the more favorable credit relations enjoyed by the middlemen, not only rebuilt their fortunes more rapidly but largely financed and controlled the work of the farms. It was but natural that these and their representatives in the legal and other professions should exert a growing influence in political and social affairs. There was probably no conscious intent on the part of those in control of state and local government to favor the more fortunate minority or to neglect the

interests of the agricultural majority; but that their policies did tend to have that effect can scarcely be denied.

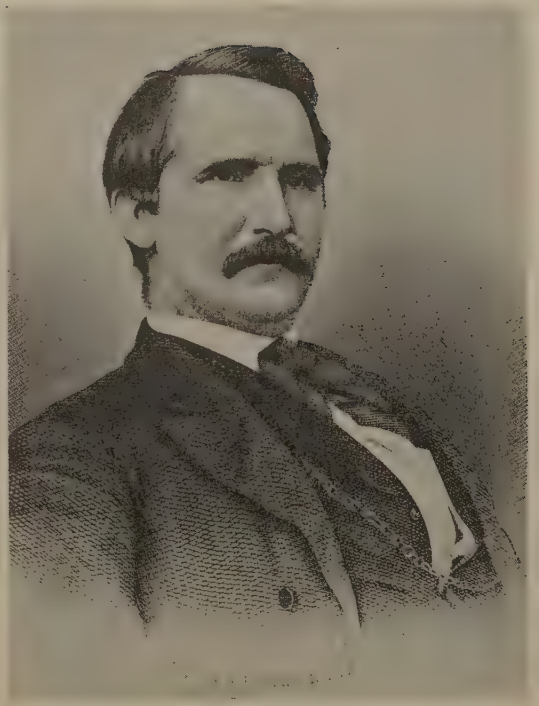
Thus while the new régime may have been "Bourbon" in the sense that it restored conservative government, it was not an aristocracy—it was not even planter-controlled; and while it sought to perpetuate old traditions, it actually fostered a new order.

The Republicanism of the Eighties

The election of 1876 marks the end of Reconstruction, the downfall of the carpetbag-negro régime, and the beginning of a decade and a half of uninterrupted Democratic control of the state government. Throughout this period the Republican party was forced to accept the rôle of a minority party. But it did not function effectively even in that rôle. Factionalism, affiliation with the negro, and corruption prevented its growth, and the party organization soon became little more than an agency for the distribution of the Federal patronage in the state. A small group of native white Republicans, ably led by the Dockeries, the Settles, the Bynums, and other such men, tried hard to build up a strong, respectable party that might command the confidence and support of the white people, but they were always in a hopeless minority. The strength of the party was in the heavily black counties of the East and the distilling counties of the West, and an alliance between the negro postmasters and their white allies of the one section and the revenue officials of the other enabled those whose primary interest was in the Federal loaves and fishes to control the party organization.

After the war the revenue service underwent great expansion to meet the demands of the rapidly growing distilling and tobacco interests. In 1884 there were in North Carolina 408 grain distilleries and 1,246 fruit distilleries, and in every county there were warehouses, or storehouses, each in charge of a Federal official called a "general storekeeper." As already pointed out there had also been a rapid development of tobacco manufacturing in the state. A large number of revenue officials was called for by these two interests, not to mention the great

Alfred Dockery



Oliver H. Dockery

Two Prominent Native Republican Leaders

amount of illicit distilling that was done. Their work was light, their compensation high, their power great and almost irresponsible, and their administration of the service, therefore, was honey-combed with blackmail, intimidation, violence and corruption. Controlled by no civil service regulations, they regarded themselves and were regarded by the administration at Washington less as government officials than as party henchmen.

The Democrats charged that the service was maintained primarily for partisan purposes. In a speech in the United States Senate in 1884, Vance cited figures from official reports to show that the number of revenue officials always took a decided jump upwards in election years and an equally decided decline in off-years. Thus just before the election of 1880, the number jumped from 339 to 427, and immediately after the election fell to 310, although the records showed that "there had been a steady increase in the number of small distilleries." The cost of collecting the taxes on spirits was greater than the revenue, and the cost followed the election returns. Thus in the year preceding the election of 1880, the amount paid to "storekeepers" was $161,412; in the election year it rose to $201,395; in the year following it fell to $115,567. "So it goes up or it goes down," commented Vance, "just as the exigencies of the party may require and the revenue takes care of itself, the object of the department being to take care of the elections." Further point is given to this charge when it is remembered that every revenue official was assessed by the party organization 12 per cent of his salary for campaign purposes. Vance declared that in a single campaign "not less than $30,000 was raised for corruption purposes" from this source.[2] In further substantiation of their charge, the Democrats pointed to the undeniable fact that the delegations to the Republican state and congressional conventions were always packed with revenue officials.

Nor were the Democrats alone in making these charges. In the campaign of 1884 a prominent Republican leader declared in a public statement: "The Republican party as now managed

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[2] *The Internal Revenue System*; Speech in the United States Senate, June 25, 1884.

in this state is a mere political machine controlled by a few for the oppression of the many, and so regulated as to register the will of a combination of bosses for boss rule. . . . The administration at Washington has been criminally careless in the selection of these [Federal] officials. The administration of Federal affairs in the state for the entire period of fifteen years has been an outrage upon the people and a reflection upon the general government."[3]

It was impossible, of course, for a party so composed and so controlled to make an appeal to any considerable number of white voters. The Republican party, therefore, continued to be composed of a solid mass of ignorant negro voters led by a well-organized group of Federal office-holders or, to adopt the favorite Democratic term, "revenoo doodlers." Between 1876 and 1892 it elected ten congressmen, six of whom represented black districts, while three represented mountain districts. Three of the former were negroes. Its candidates for governor usually carried the black counties and the mountain counties, but their majorities in them were more than offset by large Democratic majorities in the white counties of the East and the Piedmont section.

The Democrats Return to Power

The new order began with the inauguration of Vance, January 1, 1877. Despite the bitterly cold weather and the mantle of snow that covered the ground, a vast crowd assembled at Raleigh to witness the restoration of the state to her own people. Inevitably casting his thoughts back to that tragic day in 1865 when at the point of Federal bayonets he was driven from the office to which the people had chosen him, Vance began his Inaugural Address with the memorable words, "There is retribution in history." But these words did not strike the keynote of his speech; that was found not in vain lamentations for the past, but in confident hope in the future. Designed primarily to pour

[3] Quoted by Hamilton, *History of North Carolina*, 210-211.

oil on the political wounds of the people and to allay the bitterness excited by recent events, the address expressed liberal views and a fine spirit. Particularly significant was its emphasis on public education and its assurance of good will toward the negro race. The new governor regarded it as "an unmistakable policy to imbue these black people with a hearty North Carolina feeling, and make them cease to look abroad for the aids to their progress and civilization, and the protection of their rights, as they have been taught to do, and teach them to look to the State instead; to convince them that their welfare is indissolubly linked with ours."[4]

The Legislature caught the spirit of the governor's message, and set itself earnestly to a program of social and economic reform. It passed a new and improved school law and established a normal school for each race. Funds were appropriated for the completion of the hospital at Morganton for the white insane, begun in 1875, and for the erection of a hospital at Goldsboro for the negro insane. The Legislature created a state board of health; established a department of agriculture, immigration and statistics; and initiated a system of pensions for disabled Confederate soldiers. The organization of a state guard was authorized. A new county government act was passed and a commission was created to report a plan for the settlement of the state debt.

The election of 1876 had overthrown the carpetbag-negro administration in state affairs, but not in the black counties. In those counties the government was notoriously inefficient, extravagant, and corrupt, criminals went unpunished, and the tax burden was crushing.[5] In its platform of 1876 the Democratic party had promised to institute a new system of county government that would insure white rule in the black counties, and one of the first tasks to which the Legislature of 1876 set itself was the redeeming of this pledge. The act passed deprived townships of corporate powers, made the county the unit of local

[4] Dowd, *Life of Zebulon B. Vance*, 206-207.

[5] Hamilton, *Reconstruction in North Carolina*, 657-59.

government, and provided for the election by the Legislature of magistrates, who in turn should select the county commissioners; but no change was made in the election of the regular county administrative officers. This act not only assured white rule in the black Republican counties of the East as long as the Democrats controlled the Legislature, but also Democratic rule in the white Republican counties of the West. Western legislators, naturally hesitant to surrender local control of their county affairs, exacted as a compensation for their sacrifice the promise of eastern legislators to support appropriations for the completion of the Western North Carolina Railroad.[6] The County Government Act, of course, violated the principle of local self-government, which has always been cherished in North Carolina, and after the sale of the Western North Carolina Railroad in 1880, largely through eastern influence, the West came to regard the system of county government as a grievance. It played a large part in the defeat of the Democratic party in 1896.

In 1876 the Democracy had captured the executive and legislative departments. By the Constitution of 1876 the number of Supreme Court judges was reduced from five to three, and the terms of all the former judges were to expire January 1, 1879. The election of a chief justice and two associates, therefore, gave considerable interest to the campaign of 1878. Moreover the Legislature then elected would choose a successor to Merrimon in the United States Senate.

On January 5, 1878, Chief Justice Pearson died and Governor Vance appointed W. N. H. Smith, who had been Holden's leading counsel in the impeachment trial, to fill out the unexpired term. After a bitter convention contest with Judge David Schenck and Judge Daniel G. Fowle, Smith was nominated by the Democrats for a full term. In the election they made a clean sweep of the Supreme Court, electing Smith chief justice and Thomas S. Ashe and John H. Dillard his associates.

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[6] Ashe, *History of North Carolina*, II, 1184.

Vance in the Senate

Merrimon was a candidate to succeed himself in the Senate, but ever since Vance's acceptance of the nomination for governor in 1876 it had been understood that he also would be a candidate. He had come out of the campaign with Settle the indisputable idol of the North Carolina masses, who now demanded that he be rewarded for his great services to the state with the senatorial toga. Seeing that his chances were hopeless, Merrimon withdrew and Vance was chosen.[7] He sent in his resignation as governor, effective February 5, and took his seat in the Senate at the special session in March, 1879. Reelected in 1885 and again in 1891, Vance served until his death April 14, 1894.

Vance's senatorial career added both to his fame and to his hold on the people of North Carolina. His contemporaries came to regard him as the state's greatest son, but whether this will be the final judgment of history may be doubted. As a senator he was a prodigious worker, a hard student of public questions, and in time came to be regarded as an authority on the tariff and on public finance. He was a tariff-for-revenue man and an advocate of the free coinage of silver. But during most of his senatorial career he was in the minority, and this was true not only when the Republicans controlled the administration, but also when the Democrats were in power, for he broke personally as well as politically with Cleveland on civil service reform and on the money question. As an avowed party man, Vance was indignant because Cleveland, who was a civil service reformer, treated his recommendations as to patronage in North Carolina with indifference, while his last great effort in the Senate was his speech against the repeal of the Sherman Silver Act, which Cleveland had recommended. It was his misfortune, too, to be forced by the circumstances of the times into the rôle of a sectional statesman, and while his great speeches in defence of the South endeared him to his own constituents, they did not add to

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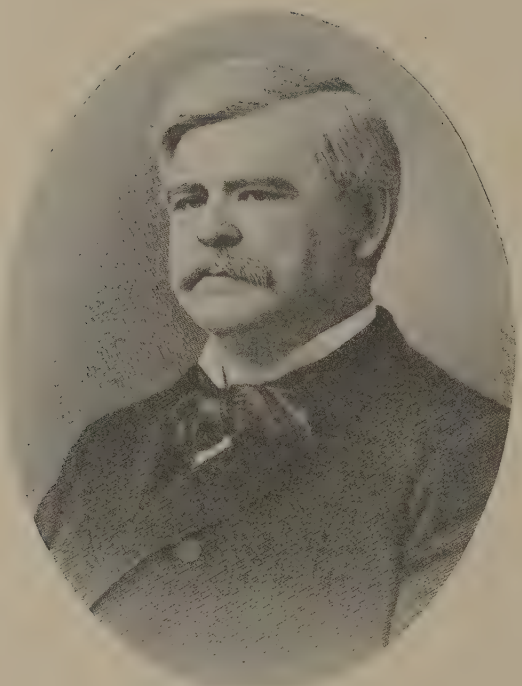
[7] Ashe, *History*, II, 1183; Dowd, *Life of Zebulon B. Vance*, ch. XVI.



ZEBULON B. VANCE

his prestige as a national leader.[8] He was a great opposition senator, but he left no record of constructive legislation.

Settlement of the State Debt

Jarvis filled out Vance's unexpired term as governor and in 1880 was nominated and elected for a full term. His administration in many respects marks the emergence of modern North Carolina. While he was governor, and largely because of his leadership, the state debt was settled; the Western North Carolina Railroad was sold; the State Department of Agriculture was organized and its work expanded; exhibitions of the state's resources were made at the Boston Exposition of 1883 and at the North Carolina Exposition of 1885; an election on state-wide prohibition was held; and the foundation of the modern state public school system was laid.

The settlement of the state debt was a pressing and difficult problem. It was obviously a hopeless task for a people so impoverished by war and misrule to meet all the obligations that had been piled on them during that unfortunate era. Moreover, it was impossible for the state to embark on any extensive economic and social program until the debt problem was settled. Democrats generally agreed that the special tax bonds were fraudulent and should be repudiated, but there were various other classes of bonds which everybody acknowledged should be honored, at least in part. It was "out of the question," declared Vance, for the state to pay its debt in full. "Indeed," he added, "I do not conceive that there is any moral obligation on us to do so, nor do our creditors expect it of us. Quite one-half of our property upon which our bonds were based was wantonly destroyed by consent of a large majority of those who held them, and no court of conscience upon earth would permit a creditor to destroy one-half of his security and claim full payment out of the remainder. But we *can* and *should* pay something."[9] Accordingly the Legislature in 1877 appointed a com-

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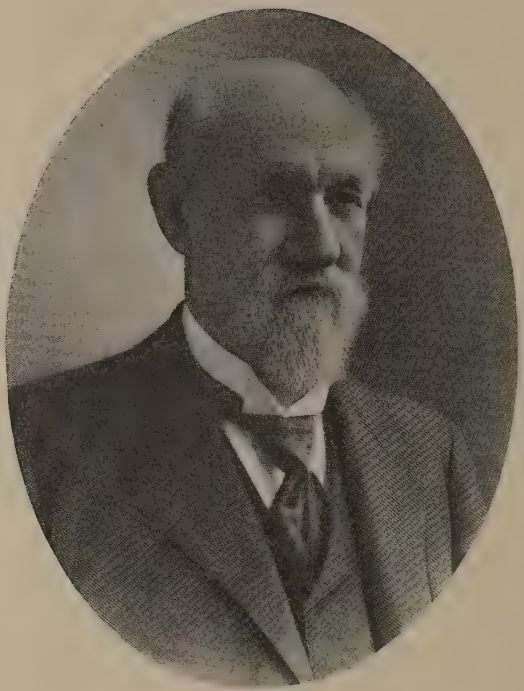
[8] Several of Vance's best speeches in the Senate are printed in Dowd's *Vance, passim.*

[9] Message to the Legislature of 1879.—*Public Documents,* No. 1, 22.



THOMAS J. JARVIS

mission consisting of Governor Vance, State Treasurer John M. Worth, and Attorney-General Thomas S. Kenan to investigate the debt and report a plan of settlement to the next Legislature.

The recommendations of this commission were laid before the Legislature of 1879 and adopted. It was found that the "old debt," including bonds issued before the Civil War, or later under authority of acts passed before or during the war, amounted to $16,690,045, on which was due accrued interest to the amount of $10,160,182.85. The Legislature agreed to exchange for the old bonds new thirty-year 4 per cent bonds on the following basis: Exclusive of the North Carolina Railroad construction bonds, the old bonds were divided into three classes; those in the first class, amounting to $5,577,400, were to be redeemed at 40 per cent of their face value; those in the second class, amounting to $3,261,045, at 25 per cent, and those in the third class, amounting to $3,888,600, at 15 per cent. By this compromise, which was generally acceptable to the bondholders, the tax-payers were obligated to pay $3,644,511. The settlement of North Carolina Railroad construction bonds, amounting with accrued interest to $3,394,000, was referred to a special commission, which effected a compromise involving the exchange of the old bonds for new forty-year 6 per cent bonds to the amount of $2,756,000. The Legislature made no provision for the special tax bonds, amounting to approximately $16,000,000, but submitted to the voters an amendment to Section 6, Article I of the Constitution, which the voters ratified in 1880, forbidding the payment of any bonds issued by the Convention of 1868, or by the Legislature of 1868-69, "except the bonds issued to fund the interest on the old debt of the State," unless the proposal to pay was first referred to the qualified voters of the state and ratified by them.

The Liberal Democratic Movement

Jarvis gave the state a progressive administration, but after his retirement from office control of the Democratic party passed into the hands of its ultra-conservative wing. Elderly statesmen—Confederate colonels and brigadiers, whose minds dwelt

chiefly on the "glories" of the Civil War and the degradation of the Reconstruction Era—directed its policies and exhausted their instincts for political leadership in the twin-tasks of keeping the negro out of power and keeping themselves in office. They were high-minded men, and they furnished the state with clean government, but they turned their faces to the past and either did not understand the social and economic needs of their own day, or were indifferent to them. To the cause of public education they gave generous lip-service, but little more. The cry of the landowner for relief from an unfair and discriminatory system of taxation found them lukewarm. They were openly hostile to any form of government regulation of public service corporations. In the popular complaints against the courthouse rings and in the demands for election reform they saw nothing more than the mutterings of disgruntled and unsuccessful aspirants for public office. They turned a cold shoulder to the farmers' program of social and economic reform. In short, their idea of statesmanship was to preserve the *status quo,* and that at a time when society all around them was in a state of unprecedented ferment.

A liberal wing of the party in the early eighties challenged the "Bourbons," and the Democrats entered the campaign of 1884 threatened by a revolt. The Republicans attempted to foster the movement by an adroit use of the patronage. In 1884 they placed a "Liberal Democrat," Tyre York, at the head of their ticket. His nomination, however, offended many Republicans, who probably had already become tired of their party associates, and who used it as an excuse for going over to the Democracy. The Democrats nominated Alfred M. Scales, a former Confederate brigadier, and so far recognized the liberal movement as to drop from their state ticket all office-holders who had had two terms and to replace them with new men. The Democrats were by no means confident of the outcome since nobody could forecast the extent of the liberal movement. As a campaign measure, Governor Jarvis had induced the Legislature to use the money received from the sale of the Western North Carolina Railroad to meet the current expenses of the state government; the Democrats thereupon angled for votes with the

boast that they had actually run the state a year without collecting any state taxes, and thousands of voters swallowed the bait.[10] Moreover, the nomination of Cleveland for President, and the prospect of a Democratic victory in the nation added tremendously to the Democratic drive in the state. Scales accordingly carried the state by a majority of 20,335, and Cleveland by a majority of 18,029. Cleveland's election was hailed as an indication of the passing of Civil War animosities and issues, and was celebrated with the wildest demonstrations of joy.

The large majorities of 1884 made the practical politicians who controlled the Democratic party rather scornful of the "Liberals," and in 1888 they passed over S. B. Alexander, the farmers' candidate for the nomination for governor and selected Daniel G. Fowle, who was generally regarded as the choice of the Richmond and Danville Railroad interests. The convention then offered the nomination for lieutenant-governor to Alexander, but he declined to play second fiddle to the railroads, and the nomination went to Thomas M. Holt, a manufacturer. Fowle's Republican opponent was Oliver H. Dockery. The "Liberal Democrats" supported Fowle but without enthusiasm; indeed, as between the "revenoo doodlers" and the "Bourbons" there seemed to be nothing else for them to do. Both parties "had ceased to advocate anything progressive and had lost all vitality. The Republicans wanted to get in and the Democrats wanted to stay in but apart from that neither was looking to the future. Of the two the Democrats were the more listless and apathetic and many people thought that Fowle would be defeated."[11] He was elected but his majority was less by 6,000 than that of Scales, for while the Democratic vote showed an increase of only 5,057 over that of 1884, the Republican vote showed an increase of 12,112. The most significant result of the election, however, was the large proportion of farmers in the Legislature.

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[10] "North Carolina Must Preserve Its Historical Records," by Thomas J. Jarvis. (*Publications of the North Carolina Historical Commission, Bulletin No. 11*, 26).

[11] Hamilton, *History*, 216.

In the meantime the spirit of discontent was growing at a rapid rate. The prohibition campaign of 1881 had left wounds that were not yet healed.[12] In the Piedmont and western counties rumblings against the county government law and the courthouse rings were growing louder and more persistent. Farmers were becoming more and more resentful at the influence of the railroads in party affairs, and pointed at the exemption from taxation of railroad property running into the millions in value and the repeated refusal of the Legislature to create a railroad commission in justification of their complaints. They complained, too, of the general indifference of the Democratic organization to the farmers' peculiar problems. In 1887 their spirit of discontent found organization in the Farmers' Alliance.

Moreover by this time new leaders, with no Civil War memories or prejudices, were beginning to challenge the leadership of the brigadiers. Through the columns of *The Progressive Farmer* and *The Caucasian*, L. L. Polk and Marion Butler were voicing the grievances and proclaiming the reforms of the farmers. In every county of the state Charles D. McIver and Edwin A. Alderman were carrying to the farmers a new gospel of education. At Raleigh Walter Page, through the columns of *The State Chronicle*, was fanning the revolt against "Bourbonism" by his famous "Mummy Letters," while from his law office at Goldsboro Charles B. Aycock was egging Page on with the assurance that "fully three-fourths of the people are with you and wish you Godspeed in your effort to awaken better work, greater activity, and freer opinion in the State."[13]

Public Education

After 1876 signs of a reviving interest in education are not lacking, but the educational leadership of the period came from outside of officialdom. The two political parties, indeed, vied with each other in promises of generous support of the public schools, and the governors thought it worth their while to discuss the subject in their messages, but their actual accomplish-

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[12] See *post*, p. 565.

[13] Hendrick, Burton J., *Life and Letters of Walter Hines Page*, I. 86.

ments got very little beyond the statutory or paper stage. Nor did much inspiration come from the State Department of Education; the department itself was little more than a statistical bureau, and the superintendency than a clerkship. The superintendents, John C. Scarborough, 1877-1884, Sidney M. Finger, 1885-1892, and Scarborough again, 1893-1896, were earnest officials but not very inspiring educational leaders.

But outside of official circles there appeared in North Carolina during the eighties a group of remarkable young men, whose work for the cause of education in the South soon assumed national significance. Without undue discrimination one may mention of this group Walter Hines Page, who was trying through *The State Chronicle* to exorcise from the body of the commonwealth those three spirits—"the Ghost of the Confederate dead, the Ghost of religious orthodoxy, and the Ghost of negro domination"—which, he declared, were holding back the social and economic development of the state; Charles B. Aycock, who, as county superintendent in Wayne County, was preparing himself for his future service as the "educational governor" of North Carolina; Kemp P. Battle and George T. Winston, who were defending against formidable foes, the right and duty of the state to provide the means of higher education for her sons; and Charles D. McIver and Edwin A. Alderman, who were preaching the doctrine of universal education with a fervor and conviction never before known in the South. In 1889 McIver and Alderman were appointed state institute conductors to canvass the state, conduct teachers' institutes, hold educational meetings, and arouse interest in public schools, and during the next three years they laid the foundations for the educational revival that was to mark the opening decades of the twentieth century. One of the results of their efforts was the conversion of the Farmers' Alliance, then rising into power in the state, to the support of their program.[14]

Two fundamental ideas ran through the educational philosophy of these new leaders: (1) the need of scientifically trained men to guide the industrial development of the state and to

[14] See Hendrick's *Page*, I, chs. I-II.

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OF AGRICULTURE AND ENGINEERING

restore the land which had been impoverished by slave labor; (2) the need of trained teachers in the development of the public school system. Out of these ideas came during the period under discussion the establishment of three institutions that are as typical of the new *post-bellum* commonwealth as the State University was of the old *ante-bellum* commonwealth.

In the early eighties a group of young men in Raleigh organized a society called the Watauga Club, the purpose of which was "to find out and make known information on practical subjects that will be of public use." This club through a committee composed of Arthur Winslow, W. J. Peele, and Walter Hines Page in 1885 petitioned the Legislature to establish "an industrial school in North Carolina which shall be a training place for young men who wish to acquire skill in the wealth producing arts and sciences."[15] The Legislature responded favorably, passing a bill introduced by Augustus Leazar, a prominent allianceman, which authorized the State Board of Agriculture to determine upon the location of the proposed institution. A donation of eighty-three acres of land in the suburbs of Raleigh by R. Stanhope Pullen won the school for the capital city and in 1887 the Legislature chartered it under the name of the North Carolina College of Agriculture and Mechanic Arts. The college was opened in October, 1889, under the presidency of Alexander Q. Holladay, with a faculty of eight instructors and seventy-two students.

In 1887 and again in 1889 the North Carolina Teachers' Assembly, under the leadership of Charles D. McIver and other ambitious young teachers, petitioned the Legislature to establish a school for the higher education of women. The result was the act providing for two institute conductors and the educational campaign of McIver and Alderman, mentioned above. These two educational evangelists aroused public sentiment in favor of the proposed school and, among others, converted the Farmers' Alliance. The Legislature of 1891 was a farmers' legislature and this fact assured the normal school. The result was an act to establish the North Carolina State Normal and Indus-

[15] *North Carolina Manual*, 1913, 129-31.

trial College "to give young women such education as shall fit them for teaching" and to train them in "such industrial arts as may be suitable to their sex and conducive to their support and usefulness."[16] The city of Greensboro won the location of the new college by a donation of $50,000 for buildings and in October, 1892, it opened its doors with Charles D. McIver as president and Edwin A. Alderman as a member of its faculty.

CHARLES D. MCIVER

The two institutions discussed were of course open only to white students, but the Legislature was not unmindful of the fact that one-third of the state's population belonged to another race and that the conditions resulting from the Civil War demanded trained leaders drawn from its own ranks. Accordingly the same Legislature that chartered the State Normal and Industrial College for white teachers established the North Carolina Agricultural and Mechanical College for the Colored Race. Its purpose was stated to be "to give instruction in practical agri-

[16] *Manual, op. cit.*, 132-35.

culture, the mechanic arts, and such branches of learning as relate thereto."[17] The college was located at Greensboro, which donated fourteen acres of land and $11,000 for buildings. It was opened for students in the fall of 1893, with John O. Crosby as president.

Interest in the public schools was reflected in the legislation of the period, but little actual progress in the development of the public school system was made.[18] Laws were passed creating the office of county superintendent, establishing normal schools and teachers' institutes, authorizing the voting of local taxes for graded schools, and increasing the general tax levy for school purposes. But the prevailing political sentiment was conservative and hard to arouse. The public schools everywhere were in the grip of partisan politics and the test of professional qualifications was seldom applied in the selection of school officials and even of teachers. The deep-seated prejudice of the whites against the education of the negro proved a serious obstacle to the voting of local taxes for school purposes, and the efforts of the Legislature to get around this difficulty by passing acts permitting each race to tax its property for the education of its own children exclusively, and by authorizing a division of school taxes between the races on a basis of what each paid, were prevented by the Supreme Court which declared the acts unconstitutional.[19] But had all these obstacles been removed, poverty would have remained as the last great hurdle over which the public schools could not leap.

Consequently the results were discouraging. In 1878, only 54 per cent of the white children and only 55 per cent of the negro children attended school. The average term was nine weeks. The caliber of the teachers may be gauged by the fact that their salaries averaged $23.18 a month. During that year the state spent for schools $324,289. Six years later the expenditures were only $535,205, the enrollment of white children had

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[17] *Manual, op. cit.*, 151-54.

[18] Knight, *Public School Education in North Carolina*, ch. XIV.

[19] Coon, "School Support and Our North Carolina Courts, 1868-1926," (*N. C. Historical Review*, vol. III, no. 3, July, 1926).

declined to 53 per cent, while that of negro children had risen to 58 per cent. The schools ran only eleven weeks under teachers whose salaries averaged only $24.16 per month for the whites and $22.06 for the negroes. By the end of the eighties expenditures had risen to about $700,000, but did not pass the million dollar mark until after 1900. Fortunately for the more prosperous communities, a new system of local taxation for schools by townships was inaugurated in 1877, but this did not greatly help the rural communities.

Tax Discriminations

Some of the party leaders, notably Governor Jarvis, advocated more generous policies, but the Legislature refused to follow, for it labored under the spell of the "poor-state" psychology, which had prevailed during the first three decades of the nineteenth century. The state was undoubtedly impoverished and the burden of taxation was heavy especially to the farmers, but business was steadily recovering, and much greater expenditures for the common weal might have been made without undue distress if there had been a more equitable system of taxation.

Therein lay the basic difficulty. The state's tax system was antiquated and unfair, for the burden rested almost wholly upon real property. This meant that the farmer, whose lands, buildings, implements and stock could not well be hidden, paid much more than his just share. The merchant's goods seem to have been greatly under assessed as a rule, and the stocks, bonds, and other intangibles of the business classes escaped taxation almost entirely. Moreover, the charters of many of the railroads exempted from taxation their real estate valued at many millions of dollars, and the farmers naturally considered this special privilege a grievance.

The Railroads in the Eighties

The conservatism with reference to schools applied also to roads and other public works, but every encouragement was given to the construction of railroads by private capital. Indeed, it was charged by the Republicans, and by many disaffected

Democrats, that the new régime was unduly influenced by such corporations; but while there was considerable lobbying and perhaps some irregularities in the Legislature, there was little, if any, gross corruption. The state government during this era seems to have been essentially honest, but the dominant group in North Carolina, as in many other states at the time, was filled with the idea of rapidly—often wastefully—"developing our resources." Railroad attorneys swarmed in the conventions of both parties, while members of the Legislature rode to Raleigh on railroad passes, and there was no statute to forbid the practice. It is not surprising then that the Legislature was inclined to give free play and generous terms to railroad enterprises, nor that repeated efforts in the eighties, inspired mainly by farmers' organizations, to get railroad property on the tax-books and to have enacted legislation, such as the establishment of a railroad commission for the regulation of rates, met with failure for many years.

By 1880 the main channels of commerce and travel in the state were well established. Railroad construction thereafter consisted chiefly in building around the skeletons of the main roads and filling in branches and feeders. The most important of the new roads was the Cape Fear and Yadkin Valley Railway, chartered in 1879 as the successor of the Western Railroad Company, which had been aided by large state subscriptions to its stock. In 1883 the state sold its stock to the North State Improvement Company, under whose control the road was completed. When it was finished from Mount Airy to Wilmington in 1890, the company had a main line of 248 miles in length. The desired connection with the Virginia roads leading to the Mid-West was secured west of Greensboro at Walnut Cove, at the crossing of the Roanoke and Southern Railway, but subsequent developments prevented the Cape Fear and Yadkin Valley from becoming a through traffic route from east to west, and for the second time the state's plan for such a trunk line was thwarted.

Another road constructed during the eighties was the Asheville and Spartanburg Railway, which was completed into Asheville in 1886. As a part of the Richmond and Danville system,

it afforded an important outlet for traffic from the West consigned to South Carolina points and coming across the mountains by the Paint Rock route.

The last decade of the century saw the construction of new lines proceed with vigor. Two new roads were built into the state from Virginia. One was the Lynchburg and Durham Railroad, 115 miles long, chartered in 1886 and opened for traffic in 1890. The other was the Roanoke and Southern Railway, chartered in 1887 and completed from Roanoke to Winston-Salem, 121 miles, in 1892. In 1893 both of these roads were leased for 999 years by the Norfolk and Western Railway Company and have since been operated as a part of that system. The Wilmington and Weldon Railroad made extensive improvements in its system during this period. In 1893 it completed a project, begun in 1885, to build a short route between Wilson, North Carolina, and Florence, South Carolina, in order to eliminate the longer distance to the south by way of Wilmington. This route has since become a part of the main line of the Atlantic Coast Line Railroad. In 1890 the Norfolk and North Carolina Railroad Company, chartered in 1887 as the Chowan and Southern, completed a line from Pinner's Point, Virginia, opposite Norfolk, to Tarboro, on a branch line of the Wilmington and Weldon Railroad. This road later became a part of the Atlantic Coast Line system, providing it with an outlet to deepwater terminals at Norfolk. Furthermore, it is over this line, since 1894, that the Southern Railway Company, successor to the Richmond and Danville Railroad Company, has secured access to trackage rights to Norfolk from points on the North Carolina Railroad and other roads in the Piedmont section of the state. The railroad between Wilmington and New Bern, also a part of the Atlantic Coast Line system, was completed in 1893.

Agitation for government regulation of railroads beginning in the Mid-West soon after the Civil War spread rapidly to other sections of the country. In the early eighties a persistent demand for railroad regulation arose in North Carolina, and the governors on several occasions recommended such a law to the Legislature. Finally, in 1891, as a result of the farmers' movement, the Legislature passed an act providing for the general

supervision of the railroad, steamship, express and other companies acting as common carriers within the state, and of telegraph companies. The act established a Board of Railroad Commissioners composed of three men to be elected by the Legislature, one every two years to serve for a term of six years. The Commission was empowered to prescribe reasonable freight and passenger rates for the roads operating in the state, to make rules for the handling of freight and passengers, and to take steps to prevent rebating and other means of discrimination. In 1899 the Board of Railroad Commissioners was superseded by the North Carolina Corporation Commission, composed of three men elected by popular vote at the general elections. The powers of the new commission were somewhat wider than those of the Railroad Commission, for its authority was extended to cover telephone companies, building and loan associations, sleeping car companies, and state banks.

One of the principal points of attack against railroads during the eighties was their exemption from taxation. This special privilege had been included in many of the early railroad charters as an encouragement to the development of transportation facilities. But with the growth of large and prosperous railroad systems, the people came to feel that the justification for such exemption no longer existed. By one means or another, therefore, all the "untaxed" property of the railroads was put on the tax-books during this period. In the case of the Wilmington and Weldon Railroad, it was accomplished by making the surrender of the privilege the price of the extension of a charter right for the Petersburg Railroad which had expired. Indirect pressure in the form of a tax on gross earnings was brought to bear on the North Carolina Railroad, resulting in the insertion of a provision in the lease of that road to the Southern Railway Company in 1895, whereby the latter surrendered the exemption and agreed to pay all the taxes on the property. In this fashion the taxable property of the railroads was raised from $12,000,000 to $20,000,000.[20]

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[20] Governor Holt's Message to the Legislature of 1893, *Public Documents*, no. 1, 46.

The Plight of the Farmers

Although the industrial and commercial interests were on the up-grade, agricultural interests were steadily declining throughout the decade of the eighties.[21] The chief reason for this condition lay in the credit situation. With land unacceptable as security for loans, proprietors as well as tenants found it necessary to mortgage their unplanted crops each year to obtain credit from the merchant who would "run" them until harvest time. Thus arose the crop-lien system. As the merchant incurred considerable risk in making such advances, he raised the prices of supplies from 20 to 50 per cent above the prevailing cash prices. Since the goods were purchased throughout the year and the payments were made in the fall, the average item ran for less than six months; so that the farmer paid in effect from 40 to 100 per cent annual interest. The system not only drank up his profits and kept him in perpetual debt, but also kept him in bondage to his creditor. The latter would condition his advances upon the amount of land to be planted in cotton or tobacco, the chief money crops. Thus in order to obtain a maximum credit allowance the farmer was likely to give over so much of his land to the one crop that he could not produce sufficient corn, meat, hay and other supplies to meet his own needs, and these he had to buy at ruinous prices. When his crop was gathered it was not his own; it must go at once to the merchant. If, as was often the case, it proved insufficient to cover his indebtedness, he must renew his bondage to the same man for another year, but if he was so fortunate as to pay out, he might have the privilege of choosing another creditor under the same system.

This is not a story of negro peonage. The system was no respecter of races. The great majority of farmers in North Carolina, as in other states of the South, remained in the toils of debt and dependence from the Civil War to the twentieth century. Some of the better-to-do made arrangements a little

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[21] See an excellent article by John D. Hicks, "The Farmers' Alliance in North Carolina." (*N. C. Historical Review*, vol. II, no. 2, April, 1925).

less onerous with city brokers or factors, but few there were who were able to obtain economic independence.

As the land mortgage gradually reappeared to supplement the crop lien, it proved of doubtful value and often of tragic consequences to the struggling farmers. Considerable numbers of farms were wholly or partially sacrificed for debt. Many of the largest plantations crumbled. Tenancy increased—among whites as well as blacks. Much of the agricultural land passed from farmers to merchants and other creditors. A few of the large planters were able to form fortunate connections in the business world and thus became largely identified in interests with the commercial and financial groups, but for the great mass of those engaged in it the business of farming was unprofitable.

It should not be inferred from this that the merchants and other middlemen were Shylocks. While on the whole they profited by the credit situation, they were not without a share in its detriments. To some extent they were debtors themselves, and as such were often subjected to ungenerous terms. The entire economic system of the South was dependent upon the "money power" of the East, for the tremendous losses occasioned by the Civil War had reduced the South economically to the position of a tributary province. Bankers and brokers obtained credit from the East and passed it on to the merchants who parceled it out to the farmers. Poverty, poor management, and uncertainty at the bottom made the whole system wasteful. But the middlemen were more fortunately placed than the farmers and naturally made the most of their opportunities.

The farmers found it all the more difficult to get out of debt because the prices of their products were almost constantly falling. From its eminence of a dollar a pound at the close of the Civil War, cotton had fallen by 1868 to twenty-five cents. The downward trend continued to the end of the century. On December 1 of each year it averaged in the local market about twelve cents during the seventies, nine during the eighties, and seven during the nineties. In 1894 it went below five cents a pound. It often happened that the more plentiful the harvest, the smaller was the total selling price. These losses were offset

to some extent, though by no means wholly, by the fact that the prices of the products which the farmers had to buy were also declining.

One of the most serious handicaps entailed by the long-continued fall in prices—one that applied to the debtor class in general—was that of the appreciation of all standing obligations. Dollars were growing larger. It took more and more labor to procure them, and it meant a greater and greater sacrifice to part with them. On the other hand, when the creditor made his collections, while he may have received the same number of dollars (aside from the interest) that he had loaned, he got a larger purchasing power. To cover a debt, equivalent to ten bales of cotton, contracted in 1880, it required over twelve bales five years later; a similar debt contracted in 1890 would have required sixteen bales in 1894. Between 1875 and 1895 the dollar appreciated in purchasing power about 16 per cent every five years. This was an advantage to creditors but a grievance to debtors.

Next in importance to the problems of credit and prices were those of transportation. The railroads were guilty of numerous abuses. Prior to the Civil War they seem to have been, on the whole, honestly financed and managed. But beginning with the Reconstruction Era, though by no means ending with it, there was much of crooked finance and unfair discriminations. Promoters sold stock to farmers and towns people along the proposed routes, later threw the roads into bankruptcy, "froze out" the small stockholders, and reorganized with a few insiders in possession and control. They often obtained rights-of-way free or at a nominal cost, and enjoyed exemption from taxation. They had issued bonds under state endorsement and had later defaulted. They watered their stocks, paid high salaries to favored officials, and discriminated in their rates in favor of urban business concerns as against their poorer patrons at the way stations. The favors which they had received from the public had been on the grounds of encouraging rapid development of the transportation system, and were to some extent justifiable. But by the late eighties the needs were fairly well met, there

being at that time over 2,500 miles of roadbed in the state, and the fifty-one companies owning and operating the railroads were in most cases much more prosperous than their patrons. Hence the public, especially the agricultural interests, came to feel that the time for special favors had passed. Rates which had not been reduced in proportion to the prosperity of the roads, nor in proportion to the decline in price levels, and unjust practices, many of which were not technically illegal, should be prohibited. But, as we have seen, it had been impossible prior to the nineties to induce the Legislature to establish such control.

The railroads were not the only sinners against the public interests that escaped the toils of the law. Other corporations, such as insurance companies, "trusts," brokerage firms, and banks were also often guilty. "Cut-throat" competition led to business consolidations, and these in turn to stock-watering, price-fixing, and various kinds of discriminations. In the late eighties the jute bagging "trust" was formed and the price of bagging, so necessary to the cotton farmers, was increased within a few weeks from seven to fourteen cents a yard. A combine or agreement among producers of commercial fertilizers about the same time was followed by a rise in price of from three to five dollars a ton. The few farmers in the state who produced fruits, melons and other perishable products for the city market, were often informed by their brokers that consignments had arrived on a flooded market and scarcely brought enough to pay transportation costs. Thus both in buying and in selling, the farmers naturally came to feel that they were at the mercy of the business world.

For much of their trouble farmers were inclined to blame the protective tariff, which directly or indirectly raised the prices of the things that they bought but did not help the things that they sold. It also, as Cleveland told them, tended to curtail their foreign market, which might otherwise have helped to relieve the glutted conditions in this country.

They also came to believe that the financial system of the country was defective and plutocratic. National bankers bought government bonds upon which they received interest; then by

depositing them in the United States treasury as security, they might issue bank notes to be loaned for a second interest on the same investment. By their control over the issuance of bank notes they controlled to some extent the volume of money in circulation which in turn affected both prices and credit. Why, the farmers asked, should not the government issue all money and control its volume and elasticity? Then, too, the fact that the world's output of gold was declining each year while the nations of Europe as well as the United States were going actually or virtually upon the gold standard seemed to make that metal inadequate, in the face of the steady increase in the volume of goods, to serve as a standard of values. As the output of silver was increasing, on the other hand, if it were remonetized the volume of money would be increased, credit would be easier, and prices higher.

On these national issues farmers' representatives in Congress seemed not to be in sympathy with their demands, but it was not until the Farmers' Alliance had aroused the farmers to action on other problems and shaken their faith in the existing leadership of both the old parties that the spirit of political revolt developed.

CHAPTER XLII

THE REVOLT OF THE FARMERS

The plight of the farmers, as described in the last chapter, was nation-wide, as were also the various organizations of farmers to remedy their condition. Originating as economic and social movements, these organizations usually began by eschewing politics, but as they sought their remedies chiefly in legislation, both state and national, they necessarily had to bring pressure to bear on the old parties to accomplish their objects. Often failing in this method, and too often coming under the influence of ambitious and designing men, in nearly every case they either went out of existence or exchanged their nonpartisan cloaks for the garbs of political parties.

The Rise of the Farmers' Alliance

The first farmers' organization to appear in North Carolina after the Civil War was the Grange, which in the seventies brought about some regulation of railroads and middlemen in the North and West.[1] Organized in North Carolina in 1873, it reached its climax in 1875 when it had 477 chapters and 10,000 members. But it never developed much strength anywhere in the South, because that section was primarily concerned at that time with the overthrow of the carpetbag régime. Likewise,

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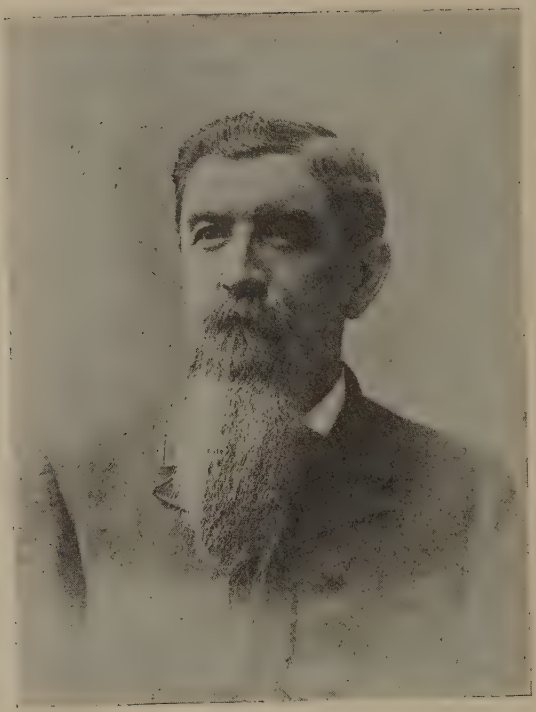
[1] The secondary material for the period covered by this chapter is exceedingly meager. Perhaps the most important works are: Hamilton, *History of North Carolina Since 1860;* Ashe, *History of North Carolina,* vol. II; Connor and Poe, *Life and Speeches of Charles B. Aycock;* Jones, *Memoirs and Speeches of Locke Craig;* and Dowd, *Life of Zebulon B. Vance.* Two valuable essays on certain phases of the period are: Hicks, John D., "The Farmers' Alliance in North Carolina," in *North Carolina Historical Review,* vol. II, no. 2, April 1925, and Delap, S. A., "The Populist Party in North Carolina," in *Trinity College Historical Society Papers,* Series XIV.



L. L. Polk

the Greenback revolt, which won a fairly large number of supporters in North Carolina in 1880, never seemed seriously to threaten the hold on the state of the Bourbon Democracy. Nor could the Republicans, despite their local appeal to the poorer classes, do more than hold the bulk of the negro vote and a few white counties in the West.

The Bourbons had a strangle-hold on the Democratic party. They felt confident that they could count for a continuance of their power on the devotion of the whites to the memory of the "Lost Cause" and their fear of a return of the negro to power. They proclaimed the Democratic party as the party of patriotism and white respectability. Though behind the scenes the "courthouse rings" may have fixed party slates, they justified their conduct as organizing for victory against the enemy. The Bourbons would permit no economic or social problem to be raised that would tend to divide the white vote. Party leaders gave little consideration to the fact that men in different walks of life view practical problems from different angles, and made but little effort to relate the party principles to the everyday affairs of a changing world. Nowhere is there a better illustration of Jefferson's theory that a political thunderstorm is necessary in a democracy at least once every generation.

The storm came, and the Farmers' Alliance brought it. This organization was a natural outgrowth of existing conditions among the agricultural population of the country. It was similar in many respects to the Grange; but, unlike the latter, it had no single founder and did not begin as a national organization with well-formed plans for its propagation. Like Topsy, it "just grew." In numerous backwoods communities widely scattered over the country between 1875 and 1887 Alliances, Unions, Wheels, and whatnots sprang up spontaneously among the farmers. Each of them became a mother order, and multiplied its offspring in neighboring communities, counties, and states; meeting each other and everywhere amalgamating, they thus developed almost unconsciously into a great nation-wide movement.

Chief credit for the rise of the Farmers' Alliance in North Carolina is due to Leonidas L. Polk. A practical farmer, he began at Winston in 1866 the publication of an agricultural weekly known as *The Progressive Farmer*. The sensible advice which he gave in this journal soon won for it a considerable circulation and in 1877 placed its editor in the state Capitol as North Carolina's first Commissioner of Agriculture. The publication was thereafter continued at Raleigh. Ever sympathetic with the farmers' cause, Polk advocated more effective organization, but was not at first inclined to urge political revolt. Early in 1887 he succeeded in launching the North Carolina Farmers' Association which soon spread into numerous communities. As it grew it encountered other organizations with similar purposes. The Grange, or Patrons of Husbandry, which had been all but dead, took on new life with the growth of discontent among the farmers. Then, too, there appeared in the state in the late eighties organizers of the Farmers' Alliance and Cooperative Union which was already sweeping the Southwest and making its way into the Southeast. Polk soon assumed the leadership of the Alliance in the state and in 1887 merged his own organization with it.

The Alliance in North Carolina was ably led. Polk was its first secretary. Its first president was Sydenham B. Alexander, who was succeeded in 1890 by Elias Carr. In 1891 Marion Butler was elected. He served until 1894, when he was elected president of the National Alliance, and was succeeded in the state presidency by Cyrus Thompson. Under their leadership the Alliance grew with amazing rapidity. Within a year 1,018 local chapters, or sub-alliances had been established, and by 1890 every county in the state but one was organized and the Alliance had 2,221 local chapters and a total membership of nearly 100,000 members.[2] Meanwhile it had developed a similar strength in other states of the South and the West. What tremendous possibilities!

In its earlier years the Alliance laid particular emphasis upon its social and educational features. It undoubtedly filled a long-

[2] Hamilton, *History of North Carolina*, 226.

felt need. It brought the people of rural communities together for entertainments, picnics, barbecues, and other social recreations. It imported speakers to discuss seed selection, proper use of fertilizers, stock-raising, and the diversification of crops, and other agricultural problems. Its first efforts to exert political pressure were purely non-partisan and were aimed primarily at the advancement of its educational program. In this way it brought effective support to such measures as the establishment of the State College of Agriculture and Mechanic Arts, the founding of the State Normal and Industrial College, and the reorganization of the State Department of Agriculture. Under the new arrangement the department sponsored the formation of farmers' institutes to disseminate knowledge of scientific methods of farming, and in connection with the college at Raleigh developed experimentation in farm problems. The farmers urged, too, though with slight success for a time, the expansion of the public school system.

The Alliance also endeavored to aid its members in their business affairs. A state agency was created through which they might purchase agricultural implements, fertilizers, and other supplies direct from the manufacturers. Its capital, which eventually amounted to about $33,000, was raised by the sale of stock in small shares to the farmers. In 1890 its total business amounted to about $325,000, which represented a saving to those who made their purchases through it of from 10 to 60 per cent. The chief obstacle to its success was the fact that the majority of the farmers, held in the clutches of the crop-lien system, were unable to avail themselves of its services; for with its small capital and limited credit in the business world, it could not extend long-term credit to its patrons. Cooperative stores also sprang up in a number of localities; but these were beset with similar difficulties, to which were added lack of business experience and inability to cope with the temporary price-cutting policies resorted to by local merchants to fight the intruders. Hence most of these ventures were short-lived, though a few survived until the panic of 1893.

The Alliance Enters Politics

Despite the hopeful enthusiasm inspired by the social, educational, and business activities of the Alliance, economic conditions among the farmers did not improve.[3] Indeed, they steadily grew worse. After a brief recovery in the early eighties, prices of agricultural products turned downward again for a decade. Both lien and mortgage debts became more prevalent and more burdensome. The farmers decided, as Polk expressed it, that there was "something radically wrong with our industrial system." Railroads, banks, manufacturing and mercantile establishments "were never more prosperous, yet agriculture languishes." There was a growing belief, reflected in their meetings, that policies of Federal, state and local governments were largely to blame. It was almost inevitable, therefore, that the Alliance should become increasingly concerned with political questions, though it remained for several years non-partisan, pressing its programs upon the candidates of both parties. As the Democratic party was in power in North Carolina, and already held the support of the majority of the farmers, it particularly felt intra-party pressure and came in for intra-party criticism. As early as 1888 there was a scrambling of candidates to "get on the band wagon," endorse the Alliance program, and write it into their platforms.

The farmers were soon to learn, however, that there was often considerable difference between pre-election promises and post-election fulfillment. In 1888 the Alliance induced the Democratic party to include in its platform a plank demanding the creation of a railroad commission with power to fix rates, prevent unfair discriminations, and otherwise regulate railroads. But the convention, having thrown this bait to the farmers, nominated for governor, over the Alliance candidate, a candidate supported by the railroad interests. The same interests also captured the Senate. Accordingly, although Governor Scales, in his last message to the Legislature, recommended the

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[3] For a good account of the political activities of the Farmers' Alliance see Hamilton, *op. cit.*, ch. XII.

establishment of a railroad commission, the bill, which passed the Alliance-controlled House, was killed in the "conservative" upper chamber.

The great majority of the members of the Alliance in North Carolina were Democrats. They were becoming seriously discontented with conditions in the party and by 1890 were on the verge of revolt. But the influence of Polk, who was elected president of the National Alliance in 1889, was tremendous in the state, and at this time he was opposed to the organization of a new party. Powerful arguments against the movement were furnished the Democrats by the menace of the Force Bill, then pending in Congress, and the possibility of a return of the negro to political power if the white vote were divided. Accordingly, in 1890, the farmers returned to the fray within the party ranks, determined, however, to put less faith in promises and more emphasis upon past records. Their plan was to support no candidate unless he would specifically pledge himself to support Alliance policies, to which they now added declarations in favor of better schools and the higher education of women. As a result the Democratic platform in substance was merely a restatement of the Alliance program. The power of the farmers was further shown when they forced two Democratic candidates for Congress to withdraw in favor of Alliance candidates, and another to sever his connection with a national bank. Similar methods were used to assure the nomination of farmers for the Legislature. The result was the greatest political upset since the days of Reconstruction. Of the nine Democratic nominees for Congress, eight of whom were elected, four were Alliance men and only two were openly hostile to the Alliance program. Moreover, for the first time since the Civil War, the Legislature contained a large majority of actual farmers.

The rules of the Farmers' Alliance excluded lawyers from membership; consequently the Alliance as such had no candidates for judicial positions and as a rule supported the Democratic nominees. During the period when the Alliance was rising into power numerous changes occurred in the personnel of the Supreme Court. In 1881 Justice Dillard resigned and was succeeded by Thomas Ruffin, son of North Carolina's great chief

justice of the same name. He resigned on account of his health in 1883 and Governor Jarvis appointed A. S. Merrimon to the vacancy. Upon the death of Justice Ashe, in 1887, Joseph J. Davis was appointed associate justice. In 1888 the voters ratified an amendment to the Constitution, which added two justices to the Supreme Court, the positions going by appointment of the governor to A. C. Avery and James E. Shepherd. When Chief Justice Smith died in 1889, Governor Fowle elevated Justice Merrimon to the chief justiceship and appointed Walter Clark to succeed Merrimon. Judge Clark's appointment was the beginning of a long and spectacular career on the state's highest court. In 1893 both Chief Justice Merrimon and Justice Davis died. Governor Carr appointed Justice Shepherd chief justice and filled the two associate justiceships by the appointment of James C. McRae and Armistead Burwell. Thus from 1879 to 1895 the Supreme Court was solidly Democratic.

The Legislature of 1891 enacted into law many of the most important of the Alliance demands. It created a railroad commission which, with a minimum of friction soon brought the roads to accept a new schedule which reduced freight, passenger, express, and telegraph rates. According to Governor Holt these reductions saved the people of the state about half a million dollars the first year of their operation.[4] Furthermore, the Commission succeeded in depriving certain favored roads of their tax exemption, and in bringing the assessment of others into closer agreement with their capitalization. Some of the roads which, according to the Commission, had illegally escaped taxation in the past were brought to accept a compromise under which they paid a portion of the alleged default.

But this was only one of the achievements of "the farmers' Legislature." It increased the school tax, established the State Normal and Industrial College, the North Carolina School for the Deaf and Dumb, the North Carolina Agricultural and Technical College for the Colored Race, and a normal school for negroes, and it materially increased the appropriations to the State University and the Agricultural and Mechanical College, and provided for a state geological survey.

[4] Biennial Message. *Public Document of 1893*, no. 1, p. 45.

Important as were these achievements, they did not yet solve the farmers' problems. Their financial situation had not improved nor had the burden of their debts been lightened. They had already committed their congressmen to the free and unlimited coinage of silver, but they were not sure that even this would prove a panacea. Some system of rural credits seemed to be their greatest need. A scheme was accordingly devised by certain leaders of the National Alliance, including Harry Skinner of North Carolina, which came to be known as the Sub-Treasury Plan.[5] It provided for the establishment by the Federal government of a system of government warehouses to which farmers might bring non-perishable products to be stored, and with these as security might borrow legal tender notes up to 80 per cent of their value, the loan to be repaid with a nominal interest (about one or two per cent) when the products were withdrawn. This, it was said, would enable the farmers not only to escape from the toils of the lien system, but also to hold their crops for better prices. Then, too, the treasury notes thus issued would increase the volume of money and hence stimulate prices and facilitate credit. The Alliance bill to establish the Sub-Treasury Plan was introduced in the United States Senate by Vance, at the request of L. L. Polk, then president of the National Alliance.

An important political by-product of this scheme in the history of North Carolina, was the part it played in the reelection of Vance to the United States Senate in 1891. Vance's record in the Senate on the Sub-Treasury bill was not satisfactory to the Alliance. Although he had introduced it in the Senate, he believed it impracticable and unconstitutional, and frankly told Polk that he could not support it. At the same time he declared that he favored the objects which the measure was designed to accomplish. This did not satisfy Polk and in 1890 *The Progressive Farmer* came out in opposition to Vance's reelection.[6] The situation was quite muddled. Vance's popularity was so great that the Alliance leaders doubted their ability to defeat him; on

[5] "Harry Skinner." *History of North Carolina: North Carolina Biography*, IV, 339-40.

[6] Hamilton, *History*, 231.

the other hand, discontent among the farmers was so general that Vance was apprehensive of the result. Letters of explanation and attempts at reconciliation, therefore, became the order of the day. On June 29, 1890, Vance wrote a long letter to Elias Carr, president of the State Alliance, explaining his position and begging him to use his influence to check the third party movement. On November 20, Carr wrote to Vance to inquire whether or not he would obey an instruction from the Legislature to vote for the Sub-Treasury bill, and Vance replied that he would obey or resign.[7]

When the Legislature of 1891 met the controversy between the Alliance and Vance dwarfed all other matters. A caucus of the Alliance members adopted for presentation to the Legislature a resolution of instruction to the state's senators to vote for the Sub-Treasury bill. Vance promptly and emphatically declared that he would not accept election under such an instruction. His stand produced a serious division in the Alliance ranks. One faction angrily demanded that he be thrown overboard, another insisted that his views be respected. The latter group had allies in the Legislature who were not alliancemen and together they succeeded in getting the caucus resolution, after it was introduced in the House, so modified as to instruct the senators to support such measures as would "secure the objects" of the Sub-Treasury bill. This compromise satisfied Vance who accepted election under that instruction.

The contest left bitter feelings and resentment in its wake. Bourbon Democrats were sore at Vance for "knuckling to the Alliance" and "eating dirt" in order to assure his reelection; Alliance Democrats were sore at him for his "inconsistency" and "betrayal" of the farmers' interests. His friends insisted that he had neither knuckled to the Alliance nor betrayed its interests but that his course had been firm and consistent throughout.

It was, indeed, unfortunate for the harmony and future progress of both the Alliance and the Democratic party that this

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[7] The correspondence is published in Dowd, *Life of Zebulon B. Vance*, ch. XVII.

particular scheme became an issue. A majority of the former, following Polk and Butler, became so thoroughly committed to it as to insist upon its being made a yard-stick for measuring the acceptability of candidates for office, while the more moderate members, led by Alexander and Carr, were persuaded that it was impracticable and ought to be dropped. The Vance contest simply brought the issue to a head and opened a breach between the Alliance and the Democracy that was not to be soon closed. Other factors tended to widen it, and between 1890 and 1892 sentiment grew rapidly among the farmers in the state, as in other states of the South and the West, for the formation of a new party to represent the interests of farmers and industrial laborers.

The People's Party

By 1892 the National Alliance had ceased to hope for reform through either of the old parties and the radical wing pushed the third party movement more vigorously than ever. As early as 1889 some of the delegates of the western states had attempted to commit the National Alliance to such a policy, but at that time the delegates from the South were strongly opposed to it. Most of them were Democrats and thought it wiser to continue their fight for reform within the ranks of the Democratic party. It was urged upon them that both the old parties were controlled by their eastern, business-man wings, typified by Wall Street, and that neither offered any hope for the enactment of the Alliance's national progam; that the farmers—mostly Republicans in the West and Democrats in the South—had too long been divided in politics which had caused the loss of their power; and that relief could be expected only through a union of the agricultural South and the agricultural West.

This argument sounded plausible and as it became increasingly clear that the national Democracy could not be brought to accept the Alliance program, third party sentiment in the South grew rapidly. In North Carolina much depended upon the course which Polk should take. He was regarded as the most likely candidate of the People's party for the Presidency if the South joined the West in a revolt against the old parties.

Before 1892, apparently, Polk had placed his hopes in the Democratic party, but the repudiation of the Sub-Treasury scheme in North Carolina at the dictation of Vance, the certainty that Cleveland would be the Democratic nominee for the Presidency in 1892, and many other signs of the times began to shake his confidence in that agency. Who shall say, too, that the lure of a nomination for the Presidency played no part in his decision? At any rate when the National Alliance at a meeting, over which he presided, at St. Louis in February, 1892, committed itself to the third party movement, Polk promptly fell in line. He carried with him, of course, *The Progressive Farmer*, probably the most influential farm journal in the South. The new party took the name of the People's, (or Populist) party.

Polk's action split the Alliance in North Carolina into two warring factions. The more radical wing followed him into the new party, but the moderates were unwilling to desert the Democracy and resented the effort of the national organization to swing their votes. Elias Carr promptly repudiated the action of the St. Louis convention. Harry Skinner endorsed the St. Louis platform but opposed the organization of a new party. Marion Butler, president of the State Alliance, cautiously awaited the action of the Democratic state convention.[8] These men and thousands of others who shared their views were bound to the Democratic party by ties of sentiment. They feared, too, the return of the negro to political power if the votes of the whites were divided. Moreover, they had about won over the state Democracy to the Alliance program, and they believed that the attempt to mass the vote of the Alliance into a third party would divide its strength, weaken its influence, and probably wreck its future.

It cannot be said that the Democratic party met this crisis wisely. Its policy was "to make Populism odious" in the state. Denunciation and abuse usurped the place of argument and conciliation. The press was particularly active. In March, 1892, *The Progressive Farmer* said: "It is well known that two years

[8] Hamilton, *History*, 236-37. See also sketch of Marion Butler in *Biographical History of North Carolina*, VIII, 81-90.

ago the Alliance together with its friends was the Democratic Party in North Carolina; yet there is not now one Democratic paper which champions the cause of the farmer."[9] For these tactics the Democratic party paid dearly. Instead of checking the Populist movement, its course alienated many farmers who were disposed to be friendly to the Democratic party and strengthened the Populist element in the Alliance by enabling them to play in the rôle of martyrs. Polk was the especial target of Democratic wrath, but he died in June, and the leadership of the new party in North Carolina soon thereafter passed to Marion Butler. The change boded no good for the Democracy.

The Democratic state convention met in June. Butler shrewdly called an Alliance conference to meet in Raleigh at the same time. Alliancemen who had not left the party were bent upon getting their program adopted and upon defeating the candidacy of Governor Holt, who was then serving the unexpired term of Governor Fowle. Democrats realized that the best strategic move for their party was to make generous concessions to the Alliance sentiment. The convention accordingly accepted practically all of the Alliance program, except the Sub-Treasury plank, and passing over Holt, nominated Carr for the governorship. Its platform denounced the protective tariff and the Force Bill, and called for unlimited coinage of silver, issuance of more greenbacks, abolition of the national banking system, tariff reduction, a graduated income tax, and the prohibition of dealing in futures on agricultural products; and demanded improved school facilities.

The Populists were now left with the Sub-Treasury plank, their indictment of the national Democracy, and certain state demands. The nomination of Cleveland, who was opposed to practically all their program except tariff revision, and who was widely believed to have the Wall Street viewpoint, strengthened their cause; it determined the course of many alliancemen who had been wavering, and who now joined the new party. In the state they would continue their fight against the "courthouse rings" and the unfair tax system, and would urge the improve-

[9] Quoted by Hamilton, *History*, 236.

ment of public schools, a six per cent interest law, and fairer election laws, including the secret ballot.

The first Populist convention held in the state met in August. The great majority of its members were former Democrats, but there were also many Republicans in attendance, interested primarily in breaking up the Democratic party and engineering a fusion between the Populists and the Republicans. Marion Butler served as both temporary and permanent chairman. Harry Skinner, who had been quite undecided as to his course, was nominated for governor, and created a sensation when he announced that he would accept on condition that if the Republicans, who it was thought would not put out a state ticket, decided to enter the contest and thereby threaten white supremacy, he should be free to withdraw from the race. In the storm of disapproval which followed he declined the nomination, and W. P. Exum was then nominated. Skinner was later named with Butler as presidential elector for the state-at-large.

The Republicans found it difficult to determine on a course of action. Some of them wished to stand aside, put out no state ticket, throw their support to the Populists, and thus facilitate the breach in the white Democracy. In the western part of the state, however, where lay the white Republican strength, there was great unwillingness to break the solidarity of the party. This sentiment prevailed in the Republican convention, which was held in Raleigh, September 7th. A state ticket headed by D. M. Furches was nominated and a platform adopted which denounced the undemocratic system of county government and the unfair election law.

The campaign was exceedingly bitter. Its outstanding feature was the joint debate between Charles B. Aycock, Democratic nominee for elector-at-large, and Marion Butler, the Populist nominee. The debate which was frequently compared to the Vance-Settle debate of 1876, made the participants marked men in the political history of North Carolina.[10] The methods of Democratic election officials tended to widen the breach between the Democrats and the Populists. For example, the elec-

[10] Connor and Poe, *Life and Speeches of Charles B. Aycock*, 65-66.

tion law required that the full name of the voter be recorded in registering, but this requirement had never been strictly enforced; in 1892, however, it was employed to debar a large number of Populists and Republicans who had innocently failed to comply with it. The use of this and other doubtful methods swelled the Democratic vote, but it aroused deep resentment in both the opposition parties, especially among the Populists.

According to the returns, the Democratic state ticket had a plurality of 40,000, the Democratic national ticket of 33,000, but the former lacked 7,000 of having a majority, the latter 10,000.[11] In these results the Democrats saw clearly the handwriting on the wall.

The Populist-Republican Fusion

After the campaign of 1892 economic conditions continued to favor the growth of political dissent. The panic of 1893 was followed by a general depression unusually prolonged and severe. Prices continued to decline. Farm products suffered more than any other commodities and the farmers sank more and more deeply in debt. Tenancy increased among the small farmers, and even the large farmers were reduced to straitened circumstances. Industry also suffered and in factory communities there was much unemployment.

Division in the national Democracy made it out of the question for that party to afford relief. Although the Democrats controlled both Houses of Congress, Cleveland was unable to put through any appreciable reduction of the tariff. The Sherman Silver Act, passed in 1890 to increase the circulating medium, was repealed upon the recommendation of the President over the vigorous protest of the "silver Democrats." Speaking against the repeal in his last speech in the United States Senate, Vance bitterly assailed the President, for yielding to "the clamor of the capitalists hostile to silver," denounced the conspiracy to demonetize silver as "the greatest crime of this or any other age," and warned the people that the money

[11] *North Carolina Manual*, 1913, 1005-1006.

changers were polluting the temples of their liberties.[12] Efforts to pass a free coinage bill met with almost as much opposition in Congress from Democrats as from Republicans.

In the North Carolina Legislature of 1893 the Democrats had overwhelming majorities in both Houses, but the conservatives were in the saddle and the session was uneventful. A foolish effort was made to punish the Farmers' Alliance for its political activities by repealing its charter, but the bill was defeated; another, however, was passed which so amended the charter as to make the destruction of the order inevitable. The natural result was to strengthen the Populists, with whom resentment against the Democracy now became quite as strong as zeal for the enactment of their program. Their resentment in full and their program in part they shared with the state Republicans, who were eager to make an alliance with them. Such an alliance had been foreshadowed by the election of 1892.

In 1894 the voters of North Carolina were to elect, besides congressmen and legislators, a state treasurer, a chief justice and three associate justices of the Supreme Court, and seven Superior Court judges; and the legislators then chosen were to elect two United States senators. Ransom's fourth term would expire March 3, 1895. Vance's third term ran to March 3, 1897, but Vance died April 14, 1894, and Governor Carr had appointed Jarvis to serve *ad interim* until the Legislature should elect a successor to fill out the unexpired term. Moreover, involved in the election of 1894 was the future of the Democratic party in the state. All parties, therefore, looked upon the campaign as critical; Populists and Republicans entered it hopefully, Democrats apprehensively.

The Populist state convention met at Raleigh July 31, 1894. Many prominent Republican office-brokers were on hand, moving busily about the convention hall and in hotel lobbies, with proposals to buy or sell. Since the Populists were in the humor to do both, bargains were easily struck. It was agreed that the Populists should nominate a fusion ticket which the Republicans would later endorse. For state treasurer W. H. Worth, a Popu-

[12] Printed in full in Dowd's *Vance*, 258-78.

list, was selected. Having declared for a non-partisan judiciary, the Populists made up the Supreme Court ticket as follows: W. T. Faircloth, Republican, for chief justice; Walter Clark, Democratic incumbent, D. M. Furches, Republican, and H. G. Connor, Democrat, for associate justices. Judge Connor declined the nomination, and W. A. Montgomery, Democrat with Populist leanings, was later selected for the place. In September, the Republican convention endorsed these nominations. District and county conventions followed the example of the state conventions and effected a fusion of the judicial, congressional, and county tickets.

The action of the Populist convention was a challenge to the state Democracy, to which that party had no answer. There were Democrats who favored the opening of negotiations with the Populists, but they were decidedly in the minority, and the only point on which the Democrats met them was in the nomination of Judge Clark to succeed himself on the Supreme Court Bench. Nor did the Democratic platform offer any concessions to the seceders.

The result was never in doubt. The Fusionists swept the state. They elected their entire state ticket, six of the seven Superior Court judges, four Populist and three Republican congressmen, and captured both Houses of the Legislature by large majorities. The Senate was composed of 24 Populists, 18 Republicans, and 8 Democrats; the House, of 36 Populists, 38 Republicans, and 46 Democrats.

Like any other party newly coming into power, the Fusionists were eager to perpetuate their control of the state government; the Legislature, therefore, inevitably devoted much time and attention to partisan politics. Yet as the irony of fate would have it, it was politics rather than social and economic policies that finally wrecked the party. The alliance between Populists and Republicans was an unnatural one for the two parties agreed on nothing except hatred of Democrats and a liking for public office. A swarm of hungry office-seekers, Populists and Republicans, whites and blacks, buzzed about the Capitol during the session, and forced a party pledged to economy to create literally hundreds of new positions, to oust Democratic

officials and directors and employees of state institutions before the expiration of their regular terms, to increase the cost of state printing, and in numerous other ways to add to the public expenditures, in order to appease the appetites of these placemen. Committed to the principle of a non-partisan judiciary, the Fusionists created two new judgeships to which the Legislature elected two Republicans, in one case at least illegally.[13] Some difficulty arose over the selection of the two United States senators, since both parties demanded the long term; but an agreement was finally reached that the Populists should name the successor to Ransom for the full term and the Republicans the successor to Jarvis for Vance's unexpired term, with the understanding that the Republican chosen should succeed himself for the full term in 1897. Accordingly Marion Butler and Jeter C. Pritchard were elected. A new election law was passed which, to say the least, was no better a guarantee of fair elections than the old law which it displaced.

By far the most important political action of the session was the repeal of the county government law and the passage of "An Act to restore to the people of North Carolina local self-government."[14] The act required that three commissioners be elected by popular vote in each county; but it also provided that two additional commissioners of a different political party from those elected by the people should be appointed by the Superior Court judge of the district if 200 voters signed a petition supported by affidavits that otherwise the county's affairs were likely to be mismanaged. This provision bespoke the fears entertained by the Populists of their black allies in the eastern counties. Governmental powers formerly exercised by the justices of the peace were transferred to the county commissioners; and the charters of several eastern towns and cities were so amended as to give the Fusionists control of their governments.

In the scramble for offices the Fusionists neglected the economic and social reforms to which the Populists at least were committed. A six per cent interest law was passed; and the law

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[13] Hamilton, *History*, 250-54.

[14] *Public Laws of North Carolina*, 1895, ch. 135.

which required any person who came to the close of the year still in debt for supplies to continue his advances from the same creditor was repealed. But nothing was done to revise the tax system beyond the repeal of all tax exemptions of corporations and the imposition of license taxes on hotels and boarding houses and on practicing lawyers, physicians, and dentists. No anti-trust law was passed, and the Republicans prevented any endorsement of free coinage. The record on public schools was but little better. The public school tax rate was raised from 16 cents on the $100 to 18, but the benefits that might have come from the increase were more than offset by inefficiency of management that resulted from the abolition of county boards of education and county superintendents. Much better was the record on support of the state's institutions of higher education. Not only were their appropriations increased, but the influence of Marion Butler defeated an effort of the denominational colleges to destroy the University of North Carolina.[15] All told, appropriations for all state purposes were increased by $125,000 and the state tax rate raised from 39 cents on the $100 to 43 cents.

The campaign of 1896 opened with both the Republicans and the Democrats angling for a Populist alliance. Proposals and counter-proposals, official and unofficial, passed back and forth between party representatives with dizzying rapidity throughout the summer, but always without results. Populists and Republicans could not agree on the money question, Populists and Democrats on a division of the spoils. Out of the muddle finally emerged a curious political situation. The Republicans nominated McKinley for President on a "sound money" platform and definitely became the party of conservatism. This action seemed to slam the Republican door in the face of the North Carolina Populists, who had given it out that they would support no man for governor or United States senator who was for a gold man for President. On the other hand, the national Democracy was captured by its Populist wing, which forced the nomination of

[15] For a full account of this affair see Battle, *History of the University of North Carolina*, II, 478-93. Dr. Battle, however, fails to give Mr. Butler credit for his part in saving the University.

Bryan on a virtually Populist platform, and this nomination the Populist national convention subsequently endorsed. Thus the national Democracy beckoned to the Populists and seemed to open the way for a Democratic-Populist fusion in state politics.

But there were serious obstacles in the way, the most difficult being the intensity of party feelings which had been aroused, the desire of the Populists to further their local program, and the stimulus of office and power. Democrats and Populists flirted openly with each other, but could come to no agreement. In the state, therefore, all three parties put out state tickets. The Republicans met first and nominated candidates for governor, auditor, attorney-general, and justice of the Supreme Court, leaving the other places on the ticket open as a bait for the Populists. Daniel L. Russell was the Republican nominee for governor. A few weeks later the Democrats nominated a complete state ticket, headed by Cyrus B. Watson. Not to be outdone, and laying the basis for a future trade, the Populists followed the Democratic example, putting out a full ticket with W. A. Guthrie at its head. The Republican state executive committee promptly endorsed the Populist nominees for secretary of state, treasurer, and superintendent of public instruction. Later they yielded the nomination for auditor also to the Populists, in return for a Populist endorsement of Robert M. Douglas, the Republican nominee for the Supreme Court. The final arrangements included a division of the congressional, legislative, and county tickets. The only hitch in the program was the refusal of Guthrie, who was an ardent silver man, to withdraw in favor of Russell, and the Populist machine, which had found Guthrie somewhat hard to handle when principle was involved, threw him overboard. On the national issues, differences between Republicans and Populists proved insurmountable and prevented any agreement. The Populists, therefore, turned to the Democrats for a fusion on the electoral ticket, which was effected through the agency of Bryan, who visited the state in September, primarily for that purpose.

Bryan, therefore, carried the state by a majority of 20,000, but the Fusionist state ticket received a plurality of about 8,000.

Of the congressmen elected, five were Populists, three were Republicans, and only one a Democrat. The lone Democrat was William W. Kitchin, whose victory over Thomas Settle in the fifth district, was the beginning of a brilliant political career. The new Senate contained 25 Populists, 18 Republicans, and 7 Democrats; the new House contained 40 Populists, 54 Republicans, and 26 Democrats. The Fusionists were now in control of all three branches of the state government. The basis of their control was the solid negro vote estimated at from 120,000 to 125,000. Thus North Carolina was again to test the experiment which had been tried in the process of Reconstruction—the effort of a party composed chiefly of a negro constituency to provide good government for a commonwealth in which two-thirds of the people were white.

Public Education

The political failure of the Fusionists has tended somewhat to obscure their achievements in other fields. This is especially true of their contributions to the cause of education. To Charles H. Mebane, superintendent of public instruction, is due the credit for the educational policy of the Russell administration. Mebane showed a clear grasp of the state's educational problem, conducted his office on a high, non-partisan plane, and won the respect of the school forces of the state. Under his leadership a more advanced school law was enacted in 1897. The office of county superintendent, under the title of county supervisor, was re-established. A more effective plan for the examination of teachers was adopted. To stimulate local interest and support, the new law required every school district to hold a local tax election in August and if the tax was defeated to hold a similar election every two years thereafter until it should be voted. An appropriation of $50,000 was made from the state treasury to be used for subsidizing districts that voted local taxes. Political conditions, resulting from the repeal of the county government law, prevented this new school plan from getting a fair test. It was repealed by the Democratic Legislature of 1899, but it

pointed the way to the educational revival that was soon to come under more favorable conditions.[16]

Railroad Development

Railroad problems occupied much of the attention of the Russell administration. The Legislature of 1897 passed laws requiring railroad companies to redeem unused mileage books and increasing the powers of the Railroad Commission. A bitter fight developed over a bill to abolish the Commission, the Democrats charging that its real purpose was to get rid of the last Democratic member and to reorganize it with Fusionist members only. Other controversies arose over bills to prohibit the use of railroad passes by public officials and to annul the lease of the North Carolina Railroad to the Southern Railway Company. This lease was one of the most important problems the Russell administration had to deal with and requires a more detailed discussion. It grew out of a very significant development in railroad circles during the nineties.

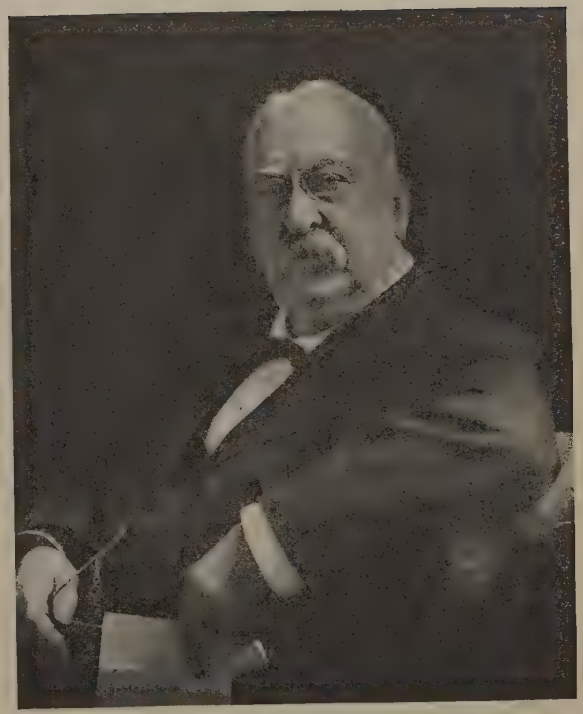
This development was the process of consolidations and combinations out of which emerged three of the four great railroad systems of the state. The process began in North Carolina with the thirty-year lease of the North Carolina Railroad to the Richmond and Danville in September, 1871. In 1894 the Richmond and Danville became a part of the newly organized Southern Railway Company, and in 1895 Governor Carr renewed to the Southern for ninety-nine years the Richmond and Danville's lease of the North Carolina Railroad. The governor's action aroused bitter opposition in the state, and was denounced in the platforms of both the Republicans and the Populists; even the Democratic convention withheld from him the formal endorsement theretofore always given to Democratic governors. Governor Russell assailed the lease in his Inaugural Address, and efforts in the Legislature to break it up failed only because the two Houses could not agree on the method. Governor Russell threatened to test its validity in the state courts, but the South-

[16] Knight, *Public School Education in North Carolina*, 323-27.

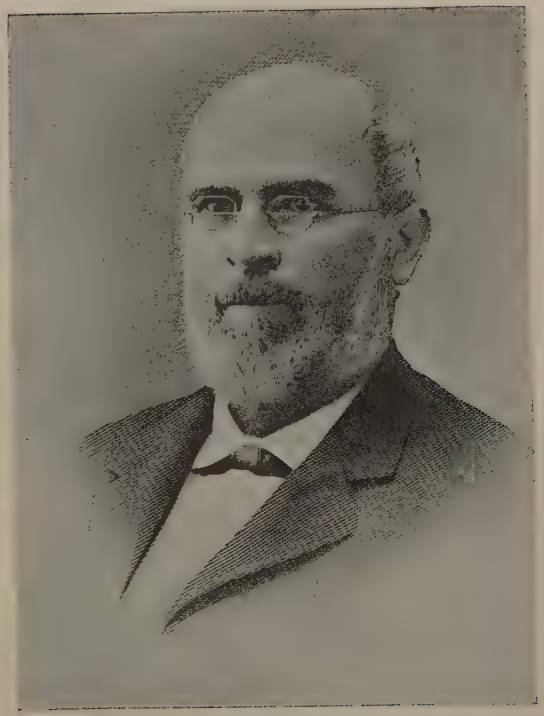
ern Railway Company sought refuge under the wing of the United States Circuit Court, which enjoined the governor from interfering with the lease, and a few months later the railroad was able to persuade him to confirm it.

The confirmation of the lease was necessary to the plans of the Southern Railway Company, for the North Carolina Railroad from Greensboro to Charlotte forms an essential link in its main stem from Richmond to Atlanta. Having secured the lease the Southern at the same time secured trackage rights between Selma and Norfolk over the Wilmington and Weldon and the Norfolk and Carolina railroads by way of Tarboro, which constituted in effect an extension of the North Carolina Railroad into Norfolk. In 1897 and 1898 the Southern completed a line parallel to the North Carolina Railroad between Greensboro and Charlotte by building a 30-mile link from Mocksville, which had already been connected with Winston-Salem, to Mooresville on the old Atlantic, Tennessee and Ohio Railroad, which had also become a part of the Southern system. Since then the Southern Railway has been in virtual control of the transportation situation in Piedmont and western North Carolina.

The only other railroad system in North Carolina comparable in strength to the Southern Railway is the Atlantic Coast Line. The welding together of the constituent part of this system also occurred in the nineties. The initiative in this movement came from Robert R. Bridgers, of North Carolina, who had been president of the Wilmington and Weldon Railroad since 1865. In the eighties there was chartered in Connecticut a holding company, at first called the American Improvement and Construction Company, but after 1893 the Atlantic Coast Line Company of Connecticut. In the meantime it had acquired certain railroads in the South which it proceeded to consolidate into a single system. The parent company was the Richmond and Petersburg Railroad, which, in 1898, purchased the Petersburg Railroad running from Petersburg to Weldon and renamed it the Atlantic Coast Line Railroad Company of Virginia. Two years later these properties were merged with the Wilmington and Weldon Railroad Company, which by various acquisitions had already built up a system of nearly 800 miles of line, cov-



A. B. Andrews



R. R. Bridgers

North Carolina Railroad Builders

ering eastern North Carolina, and including the Albemarle and Raleigh, running from Tarboro to Plymouth, the Wilmington, New Bern and Norfolk, and the Cape Fear and Yadkin Valley Railroad from Sanford to Wilmington. To this combination of Virginia and North Carolina railroads were added in 1900 the properties of the Atlantic Coast Line Railroad Company of South Carolina, the resulting consolidated company bearing the name of the Atlantic Coast Line Railroad Company.

The Seaboard Air Line Railway, the third large system of the state, also came into existence in 1900. It occupies the territory between the Southern and the Atlantic Coast Line and like them has its main stem north and south across the state. Its parent company was a Virginia corporation, the Richmond, Petersburg and Carolina Railroad Company, which after 1882 had constructed a road, substantially paralleling the Petersburg Railroad, to a connection with the Raleigh and Gaston Railroad in North Carolina. In 1899 it was consolidated with numerous roads to the south of it, embracing the Raleigh and Gaston, the Raleigh and Augusta Air Line, and the Carolina Central; and out of this consolidation emerged in 1900 the Seaboard Air Line Railway Company. Its principal routes in North Carolina are its main line north and south via Raleigh and the line from Wilmington to Charlotte and Rutherfordton.

These combinations put an end to North Carolina's long cherished plans to free herself from economic dependence on South Carolina and Virginia by the construction of east and west trunk lines, established instead north and south lines, and thereby created a rate situation that was to bear heavily upon the state's commercial and industrial development.

A Breach in the Fusion Wall

Politically the session of the Legislature of 1897 was notable chiefly for a break between the Republicans and the Populists, which resulted in a serious division in the Populist ranks. The chief bone of contention was the United States senatorship. It will be recalled that in 1895 the Populists pledged their support to Pritchard to succeed himself in 1897. At that time Pritchard

was a "silverite," but he had since become a "gold-bug," and many Populists held that this metamorphosis released them from their pledge. This was the position of Senator Butler, who led the fight on his colleague. As early as April, 1896, he endeavored to commit his party to a proposition not to vote for any gold man for any office, and while Pritchard's election was pending before the Legislature in 1897, denounced him as "the candidate of Hanna, Sherman, and Wall Street."[17] Under his leadership the Populist caucus resolved "never to endorse Senator Pritchard for the United States Senate," and nominated Cyrus Thompson as the Populist candidate. But there were insurgents who held that a promise was binding, even in politics, and twenty-three of them, under the leadership of Harry Skinner, bolted the caucus, joined forces with the Republicans, and elected Pritchard. Of course there were charges of corruption.[18] It was said that Mark Hanna had placed the party "barrel" at Pritchard's service; but these accusations were merely the consolations of wounded spirits; at the worst it appears that no other inducements were used than promises of free access to the Federal pork barrel. The statement was afterwards made, and not contradicted, that "within a year every bolter who had voted for Pritchard had been given a Federal office."[19]

The controversy made a wide breach in the Populist ramparts. After the election the Populist caucus denounced the bolters as "nothing but Republicans masquerading as Populists" and declared that the party must "purge from its ranks all who place self above the welfare of the people." It repudiated the agreement with the Republicans and directed that "all connection and negotiations from this caucus to them be closed." In reply the bolters made a furious attack on Butler.[20] This division in the Populist ranks convinced many Republicans that it was possible for them to detach enough Populists from their own

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[17] Butler's attack on Pritchard is quoted at length in Hamilton, *History*, 266.

[18] *The Caucasian*, Jan. 28, 1897.

[19] Hamilton, *History*, 265.

[20] *The Progressive Farmer*, Jan. 26, 1897; Hamilton, *op. cit.*, 266-67.

party and absorb them into the Republican party to give the latter a long tenure of power in the state. Said the *Asheville Reporter,* a Republican paper, supposed to be Pritchard's personal organ: "The time is drawing near for the final amalgamation. The next election is an off year. Cooperation, if we be discreet now, will be natural and easy and we can absorb all the Populists who are worth having by 1900." But this fine scheme was wrecked by the ghost of the black Banquo, which appeared and would not down at every Republican-Populist political feast. *The Caucasian,* quoting the above statement, retorted that while Populists were willing to use Republican votes to further their own purposes, "by all the gods of the people's hopes, that is all the use a Populist has for Republicans. And as for the amalgamation business, we have to say in the language of the famous sage and poet, 'We will be ——— if Populists and niggers can ever amalgamate in this State and country. Do you hear?' "[21]

The ink with which these fraternal greetings were printed was scarcely dry before the political situation resulting from the legislation of the Fusionists forced the Populists to make a decision. The Legislature of 1897 continued the process begun in 1895 of restoring local self-government to the people. It struck out of the act of 1895 the provision for the appointment of additional county commissioners and continued to alter town charters in the interest of partisan control. One of the towns affected was the Capital City, but the trained Raleigh politicians proved too much for the Fusionist amateurs, and the city remained Democratic. Acts were passed which authorized the governor to appoint in New Bern and Wilmington an alderman in every ward in addition to the one elected by the people. The process was completed by the passage of a new election law intended to guarantee "partisan control of elections."

These measures meant the return of the negro to political power in the East. By the summer of 1898 more than 300 negroes had been commissioned as magistrates; the counties which suffered most were Richmond with ten negro magistrates, Bertie with sixteen, Granville with seventeen, Craven with

[21] January 28, 1897.

twenty-seven, Halifax with twenty-nine, Edgecombe with thirty-one, and New Hanover with forty. Hertford had ten negro school committeemen, Perquimans ten, Jones twelve, Craven thirteen, Columbus seventeen, Richmond twenty-three, Beaufort, Caswell, and Edgecombe one in each township, while many other counties had them in smaller numbers. In one county or another negroes filled nearly every county office. Some of the eastern towns and cities were even worse off. In Greenville negroes were in the majority on the board of aldermen and dominated the town. New Bern had five negro policemen, three negro aldermen, a negro city engineer, and a negro city attorney. Negroes were in the majority on the Wilmington police force and filled every position in the city department of health; four of them sat on the board of aldermen and forty served as magistrates. At Wilmington the customs were collected by a negro collector, while in twenty-five other eastern towns negro postmasters handled the mail. No act of the Fusion administration aroused more indignation in the state than the appointment by Governor Russell as director of the State School for the (White) Blind a negro politician whom the governor had but recently denounced as meriting stripes and a term in the state prison. All told nearly one thousand negroes were appointed to office during the Fusion administration; and yet a convention of negroes held in Raleigh in November, 1897, complained of discrimination against their race and declared that negroes would vote for no man who would not promise before election that at least one-half of the clerical force in his office should be negroes. It was the conditions, to be hereafter described, created by this situation that drove the bolting Populists not into the Republican party but back into the Democracy.

The Spanish-American War

In the summer of 1898 political controversies were temporarily forgotten in the "flare of enthusiasm" which followed the outbreak of the Spanish-American War. Though too brief and one-sided to call for any real sacrifice from the American people, the war in one respect at least was not without significance in the history of North Carolina and other southern states.

The election of a Republican governor in North Carolina, and the presence in the United States Senate of a Republican senator from a southern state, were frequently pointed to in the North as indicating that the South was prepared to accept the results of the Civil War and to take its place once more in the councils of the Nation. The South itself neither needed any such evidence of its loyalty, nor read any such meaning in the Fusionist victory in North Carolina. It had accepted the military decision of 1865 in good faith, but it "had not always felt itself to be accepted by the North in full fellowship."[22] The declaration of war against Spain, in 1898, gave it an opportunity to demonstrate its complete and genuine loyalty to the Union; and when the war was over it became fashionable to say that it had "cemented the reunion of the Northern and Southern states."[23]

North Carolina, of course, in common with the other former Confederate States, shared in the patriotic spirit which the war aroused throughout the country. The state's quota of troops under the President's call was two regiments of infantry and a battery of artillery. They were soon filled. Indeed, when three companies of negro infantry were substituted for the artillery battery they quickly expanded into the Third Regiment of North Carolina Volunteers, a regiment of negro troops under the command of Col. James H. Young. The First and Second regiments were composed of white troops commanded respectively by Col. Joseph F. Armfield and Col. W. H. S. Burgwyn. Among the officers of the Second, including the colonel and the chaplain, were nine men who had worn the grey and followed Lee and Jackson in the sixties. None of the North Carolina regiments saw active service, but the First was sent to Havana after the cessation of fighting. The two others did not leave the United States.

The death of Ensign Worth Bagley, of Raleigh, an officer of the U. S. S. *Winslow,* in an attack on Cardenas, May 11—the first American naval officer killed in the war—stirred the imagination of the people of the state. He seemed to them to seal

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[22] Hamilton, *History,* 279.

[23] Rondthaler, Edward, *The Memorabilia of Fifty Years,* 164.

with his blood the indissoluble ties that bound them to the Nation, and they erected a statue of him which stands in the Capitol Square near that of Henry Wyatt, their "First Fallen" in the great Civil War.

The Red Shirt Campaign

The war was not yet over when the political campaign of 1898 opened.[24] Whether so intended or not, the new system of local self-government had turned over to negro rule the chief city of the state, several important towns, and many of the counties of the East. The state then saw repeated in those communities the scenes which had made the memory of Reconstruction a nightmare to the people of the South. Negro magistrates, whose ideas of justice were derived chiefly from the law of the jungle, presided over the inferior courts. Negro committeemen, who could not write their names, managed the public schools and selected public school teachers of both races. Negro commissioners and councilmen, who had no ideas of business beyond the earning of fifty cents a day at some form of unskilled labor, managed the affairs of counties and towns involving the collection and expenditure of hundreds of thousands of dollars. Negro officials, whose conception of the functions and duties of public offices did not get beyond the pay check, served as policemen, constables, deputy sheriffs, city attorneys, coroners, and registers of deeds. Worse still, if possible, were the white officials who owed their election and tenure to the approval of negro bosses and the support of negro constituencies.

The result was a régime comparable only to that of 1868. Burglary, robbery, and murder were almost daily occurrences. Rape became a common crime, and so did lynching—the white man's answer to the challenge of negro lawlessness. In many counties the situation became intolerable, while in Greenville, New Bern, and Wilmington neither life nor property nor woman's honor was secure. The whites armed for self-protec-

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[24] Hamilton's account of the campaign is especially valuable for the numerous and lengthy quotations which it includes from newspapers and other contemporaneous sources. *History*, ch. XIII.

tion; indeed, Governor Aycock estimated that more guns and pistols were sold in the state between 1896 and 1898 than had been sold in the previous twenty years, and he did not exaggerate the situation when he said in his Inaugural Address that during those years of negro domination "lawlessness walked the state like a pestilence—death stalked abroad at noonday—'sleep lay down armed'—the sound of the pistol was more frequent than the song of the mocking-bird—the screams of women, fleeing from pursuing brutes, closed the gates of our hearts with a shock."[25]

Such was the situation when the campaign of 1898 opened. To many Democrats the prospects of relief seemed so hopeless that they grasped eagerly at a proposal of the Populists to fuse. But the Democratic organization rejected the proposal[26] and the Populists once more came to an agreement with the Republicans. The Democrats opened a vigorous campaign designed to re-unite the white people of the state under the Democratic banner of white supremacy. The Republicans accepted the challenge. Congressman George H. White, the most prominent negro office-holder in the state, spoke for his party when in a speech before the Republican state convention, he said: "I am not the only negro who holds office. There are others. We don't hold as many as we will. The Democrats talk about the color line and the negro holding office. I invite the issue."[27]

And so the issue was joined. Democratic leaders frankly acknowledged that it was an appeal to race-prejudice, recognized all the evils that might result from arousing the worst passions of both races, and admitted that it was full of danger. However, they declared it was best to face the issue and settle it once for all than to have it recurring with accumulated force every second year, and with grim determination they launched what proved to be, perhaps, the bitterest campaign in the history of North Carolina.

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[25] Connor and Poe, *Life and Speeches of Charles B. Aycock*, 229-30.

[26] The correspondence and resolutions of both parties are printed in the *Democratic Hand Book*, 1898, 109-111.

[27] The Republican convention met in Raleigh July 20.—*News and Observer*, July 21, 1898.

REMEMBER THE

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These degenerate sons of the white race who control the republican machine in this county, or those whose positions made them influential in putting negro rule on the whites, will suffer the penalty of their responsibility for any disturbance consequent on the determination of the white men of this county to carry the election at any cost.

REMEMBER THE

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A Wilmington Campaign Warning, 1898.

The Democratic campaign was organized and directed by F. M. Simmons as state chairman. Every known method of carrying an election was employed, but since the Fusionists controlled the election officials, the Democratic party leaders probably relied less upon fraud than upon persuasion and intimidation. No stronger legislative ticket has ever been put out in North Carolina than the Democratic ticket of 1898, and no more convincing political speaking was ever heard in the state than was heard that year.

Intimidation of the negro was quite as important a part of the Democratic campaign as persuasion of the whites. For this purpose organizations called "Red Shirts" were formed in certain counties which played in 1898 a rôle similar to that played by the Ku Klux Klan in 1868. Dressed in their lurid uniform, "which was at the same time a patent implication and a warning," red-shirted horsemen dashed madly through communities with large negro populations—boisterous, spectacular, menacing. Although they sometimes broke up Republican meetings, advised Republican speakers to cancel engagements, and warned negro politicians to refrain from political activity, they rarely resorted to violence; but they succeeded in impressing upon the negro the advisability of staying away from the polls on election day.

The "Red Shirts" were not merely a spectacular adjunct of the campaign, to paraphrase Professor Hamilton's account, but represented the fixed determination of the whites to put an end to existing conditions; nor did they doubt that the end justified the means. A conservative Democratic leader, who disapproved of their methods, afterwards described one of them as "a bright young man who has led in many a raid of the red shirts and had no shadow of doubt on his mind then or now that he was doing a patriotic service in frightening negroes away from the polls." Deadly in earnest, the Red Shirts did not adopt the extreme measures to which the Ku Klux often resorted, simply because there was no need to do so. Like the Ku Klux Klan in its early and best days, they were composed, not of the riff-raff, but "in the main of respectable and well-to-do farmers, bankers, school teachers, and merchants—in many cases the best men in the

community." Indeed, one of their leaders subsequently became one of the state's greatest governors.

Although there was a serious race riot in Wilmington after the election, the election itself passed off quietly throughout the state.[28] The Democrats won both Houses of the Legislature. The composition of the Senate was as follows: Democrats 40, Republicans 7, Populists 3; of the House, Democrats 94, Republicans 23, Populists 3. Henry G. Connor was elected speaker of the House.

During the campaign Republicans and Populists warned the people that if the Democrats won they would propose an amendment to the Constitution setting up an educational test for suffrage; but an official statement issued from Democratic state headquarters denounced the charge as "entirely false" and declared that "the Democrats will never submit any proposition to the people to take from a man his right to vote."[29] Nevertheless no sooner was the Democratic victory assured than there arose a demand within the party for a suffrage amendment to the Constitution that would so restrict the negro vote as to make impossible a recurrence of the conditions of 1868 and 1898. Accordingly, on January 6, a resolution was introduced embodying an amendment which was to be submitted to the electorate at the next regular election. It passed the House by a vote of 81 to 27, the Senate by a vote of 42 to 6. While every Populist except one joined the Democrats in the affirmative vote, the Republicans in both Houses voted solidly in the negative. Thus was foreshadowed the main issue and the political line-up for the decisive campaign of 1900.

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[28] For an account of the Wilmington riot by a prominent participant see A. M. Waddell's *Some Memories of My Life*, 242-46. Some interesting documents bearing on the riot are printed in Hamilton's *History*, 288-99.

[29] Quoted by Hamilton, *History*, 285-86.

CHAPTER XLIII

THE DEMOCRACY RETURNS TO POWER

The elections of 1900 and 1902 gave the Democratic party once more control of every branch of the state government, a control which has not since been seriously challenged. This fact gives to the political history of the period, 1900-1925, a unity and continuity which makes it possible to treat it as a whole without too strict a regard to the chronology of events. It also explains the emphasis laid in this narrative on the policies and activities of the Democratic party. With the election of 1900 the Populist party went out of existence and after that date the Republican party again became a party of opposition only, and even as such was never strong enough to initiate any program of state development, or to modify to any extent the program of the party in power. It may have been unfortunate that this was so, but the fact was as stated. Individual Republicans, indeed, frequently supported the Democratic policies, but the Republican organization quite properly maintained the rôle of the opposition. To credit the developments of the period to the Democratic party, therefore, so far as they were the result of political action, is simply to state an historic fact without intentional partisan bias.

The Suffrage Amendment of 1900

In the campaign of 1900 but one issue was presented to the voters—the suffrage amendment proposed by the Legislature of 1899.[1] The purpose of the Democrats was to place suffrage on

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[1] Ashe treats of this campaign in *History* II, ch. LXXII; Hamilton in *History of North Carolina Since 1860*, ch. XV; and Connor and Poe in *Life and Speeches of Charles B. Aycock*, ch. VI. For the present chapter I have used primarily newspaper sources, which are too numerous to cite in detail. The chief papers used are the *News and Observer*, the

such a basis as would eliminate the race issue in North Carolina politics.[2] This end they sought to attain through a literacy test, but in drawing the proposed amendment they were confronted by several knotty problems, chief of which were: (1) how in disfranchising illiterate negroes to avoid the disfranchisement of illiterate whites; (2) how to accomplish this end without conflict with the fifteenth amendment to the Constitution of the United States; and (3) how to harmonize the disfranchisement of the negro with the act of Congress of June 25, 1868, which readmitted North Carolina and five other southern states into the Union, on condition "that the constitutions of the said States shall never be so amended as to deprive any citizen or class of citizens of the United States of the right to vote in said States." The first and second problems they solved by the so-called "grandfather clause," the third, by simply ignoring the act of 1868 on the ground that it deprived the states concerned of their equality with the other states under the Federal Constitution.

The final results were embodied in a proposed amendment to the state Constitution which provided a literacy test for registration, from which, however, were excepted all persons who were entitled to vote in any state of the Union on or before January 1, 1867, and their lineal descendants; provided, that persons claiming exemption under this "grandfather clause," so-called, must register prior to December 1, 1908; after that date the educational requirement was to apply equally to all persons, white as well as colored. The section also required as a further qualification for suffrage the payment of a poll tax.

The state Constitution required that the amendment be voted on by the people at the next general election after its submission by the Legislature. Ordinarily this would have come on

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Morning Post, the *Charlotte Observer*, and the *Caucasian*. Of course in using such sources one must make allowances for partisan bias, and this I have endeavored to do. Their chief value lies in their reflection of partisan views and in the original source material,—such as party platforms, circulars, speeches, etc.,—which they published.

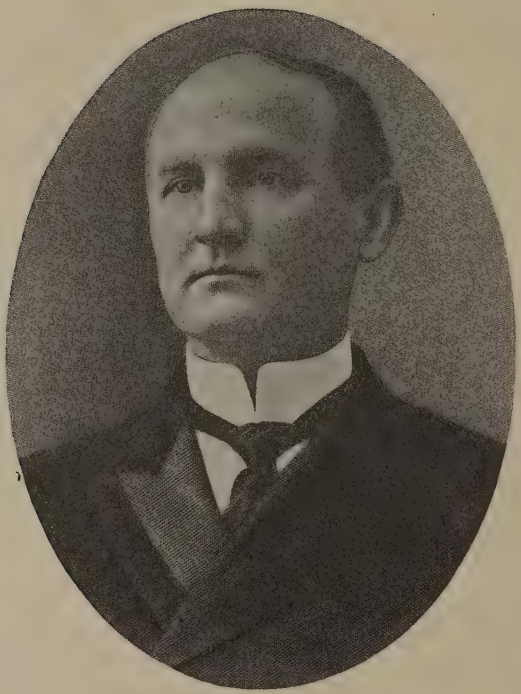
[2] Connor, H. G., "A Saner Citizenship,"—*Trinity College Historical Papers*, Series IV, 34-36.

November 6, the same date as the national election, but in order to divorce the amendment from the issues of the national campaign, and to reduce to a minimum the danger of Federal interference, the Legislature changed the date for the state election to August 2.

The Democracy Declares for White Supremacy

Advocates and opponents of the amendment alike recognized the necessity of a long campaign of education. The party conventions of 1900, therefore, were held early in the year. The Democrats led off with a convention in Raleigh on April 11. No such political gathering had ever before assembled in North Carolina. Every county was represented and every delegation was complete. The delegations were truly representative of all that was best in the life of the state. Every profession, every industry, every constructive interest, was there represented by its strongest and most eminent leaders, all of whom seemed inspired by a sincere conviction that they had met to perform a high civic duty. There was enthusiasm enough, but the gathering was notable chiefly for the absence of the usual demagogism and claptrap of political conventions, and the presence of an air of seriousness and determination in keeping with the importance of the work to be done.

Though fully realizing the uncertainty of the result, the Democrats had resolved to stake their whole future upon the amendment. Rank and file, as well as leaders, understood the difficulties of their task. Their first concern, therefore, was to find a standard bearer to head the ticket who, with the power to allay the apprehensions and arouse the interest of the people, combined the legal learning and ability to discuss the complex constitutional questions involved with a clearness and simplicity that all could understand. The names of many strong men had been discussed, but since 1898 Democrats throughout the state had been thinking of Charles B. Aycock as the man to carry the work begun in that year to completion in 1900, and with a unanimity rarely seen in politics they instinctively turned to him to lead them in this great contest. The other candidates, seeing



AYCOCK AS HE APPEARED AS GOVERNOR

that he was the undoubted choice of the party, withdrew before the convention met and pledged him their support.

Aycock was nominated by acclamation. Then in his forty-first year, he was a superb specimen of manhood. His equipment for his task consisted of a fine physique, a clear and resonant voice, and an alert, vigorous, and well stored mind. In former campaigns he had demonstrated his "pre-eminent power to convince the minds of men and to arouse their highest and best emotions, to enthuse them with the truths of his cause and to lead them to action." His capacity for leadership was revealed in an eminent degree in his "Speech of Acceptance," delivered before the convention, in which he sounded the keynote of the coming campaign, and lifted a contest that involved all the dangers of an appeal to race prejudice and passions to a plane of genuinely constructive statesmanship.[3]

Spirited contests were waged over the other places on the ticket, the most important of which was over the nomination for superintendent of public instruction. The incumbent, Charles H. Mebane, had been elected on the Fusion ticket in 1896. He had shown a high conception of the duties of his office, had divested it of every taint of partisanship, and had administered it with conspicuous success. He soon found himself out of harmony with the Russell administration, and while he declined actively to seek the Democratic nomination to succeed himself, he let it be known that he would accept it if offered. He was the choice of the educational leaders of the state; and as he was known to favor the suffrage amendment he was acceptable to many Democrats who urged their party to seize this opportunity to divorce the schools from politics. But the idea failed to convince the convention, which was determined to make a clean sweep of the "Fusion crowd"; it passed over Mebane, therefore, and nominated Thomas F. Toon, whose only qualification for the office was an honorable record as a Confederate soldier. With this exception the convention nominated a strong ticket.

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[3] Printed in Connor and Poe, *Life and Speeches of Charles B. Aycock*, 211-227.

The platform, of course, made "white supremacy" the predominant issue. It endorsed the action of the Legislature of 1899 in appropriating $100,000 to the public schools and pledged the party "to increase the school fund so as to make at least a four months term in each year in every school district in the State." Similar increases were promised in appropriations to hospitals for the insane. The platform pronounced in favor of "the election of United States senators by the people"; instructed the Democratic state executive committee to hold a primary on November 6, for the selection of a Democratic candidate to succeed Senator Butler; and urged the enactment "by the next General Assembly" of a state-wide direct primary law. On the issues of the national campaign the stereotyped resolutions were passed. The Chicago platform of 1896 was endorsed; "imperialism and militarism" were denounced; and the North Carolina delegates to the Democratic national convention were instructed for Bryan.

The Opposition to White Supremacy

Opposition to the suffrage amendment centered chiefly in the Republican party, which received only half-hearted support from the dying Populist party. Early in January, 1900, Senator Pritchard introduced into the United States Senate a resolution declaring the North Carolina "grandfather clause" a violation of the fourteenth and fifteenth amendments to the Constitution of the United States, and of "a fundamental principle of our republican form of government." This resolution precipitated a debate in which many senators took part.[4] The ablest exposition of the Republican position was Senator Pritchard's speech, January 22, in which he definitely committed his party in the state to opposition to the suffrage amendment. In striking contrast to his open stand was the equivocal attitude of Senator Butler. Indeed, the Populist leaders were in a real dilemma. Holding office by virtue of Republican votes, on the one hand, they dared not take a definite stand in favor of the amendment; real-

[4] *Congressional Record*, 56th Congress, 1 sess., Pt. I, pp. 233, 670; Pt. 2, pp. 1027-38, 1161-73.

izing, on the other hand, that the rank and file of their party favored "white supremacy," they dared not openly oppose it. The result was a straddle which satisfied nobody. At a meeting in Raleigh, January 18, the Populist state executive committee issued a public address asserting that the party stood firmly for "white supremacy," and the elimination of the negro from politics, but declaring that to the Populist and Republican parties only could safely be entrusted the solution of the problem.[5] This address foreshadowed the action of the party at its approaching state convention.

The Populist convention met in Raleigh, April 18. There were not lacking indications that it would be the last convention of the party. Attendance at the county meetings had been noticeably small and twenty-six counties had sent no representatives to the state convention. Less than 400 delegates were present. They nominated a complete state ticket headed by Cyrus Thompson, then secretary of state, "probably the best furnished of all the speakers in the Populist party. He had wit in abundance, was well informed, master of satire, quick at repartee"; and in joint debate with Aycock in 1898 had proven that "he was a dangerous opponent."[6]

The chief interest in the convention was centered in a contest for control between Marion Butler and Harry Skinner. Butler, who had denounced the Democrats as "a gang of anarchists and Red Shirts," demanded that the Populists "join hands with the Republicans and help them whip this gang out of the state"; and he dictated the report of the platform committee which declared in favor of "white supremacy," but denounced the proposed suffrage amendment. Skinner urged the convention to instruct the delegates to the Populist national convention to vote for William J. Bryan for the nomination for the Presidency, and as a pledge of sincerity to nominate for electors-at-large Dan Hugh McLean and Lee S. Overman, the Democratic nominees. He denounced the proposed suffrage

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[5] Printed in full in *News and Observer*, Jan. 19, 1900.

[6] Characterization by Frank A. Daniels quoted in Connor and Poe, *op. cit.*, 71-72.

plank in Butler's platform as dishonest, and urged that the convention go on record as favoring the repeal of the fourteenth and fifteenth amendments, thus leaving the states free to exercise their "reserved powers on suffrage on racial lines." Butler, however, was in the ascendant, and was able to put through his program intact. Under his leadership the convention refused to endorse Bryan; condemned the Legislature of 1899 for extravagance; declared the suffrage issue "not a party question" but one on which the individual voter should be free to follow his own conscience, and proposed as a better solution of the problem an amendment to the state Constitution which would disqualify for office "all negroes and all persons of negro descent to the third generation inclusive."

The Republican convention met in Raleigh, May 2. Federal office-holders controlled its proceedings. About twenty-five negro delegates sat as silent spectators. The absence of the large negro delegations which for thirty years had been so conspicuous a feature of Republican conventions in North Carolina foreshadowed the coming change in the electorate. A complete ticket was nominated with Spencer B. Adams at its head. In contrast to the Populists, the Republicans spoke plainly as to their stand on negro suffrage. They denied the fact of negro domination, gave a hearty endorsement of Fusion rule, even in the "black counties," denounced the proposed suffrage amendment as an "impudent assault upon the Constitution of the United States," and viewed "with indignation and abhorrence, the Democratic proposition that the right to vote should be made dependent upon heredity," which would build up "an aristocracy of birth upon the ruins of free government."

There were now three complete tickets in the field, but from the first the Democrats charged that the leaders of the Populists and Republicans had arranged as early as April for another fusion. Opposition to such fusion developed in both parties, but late in July it was overruled, and a Fusion ticket was arranged. Thompson was withdrawn and Adams placed at the head of the ticket. All but two of the places were given to Populists, but the Legislature was conceded to the Republicans, who agreed to reelect Butler to the United States Senate. This

arrangement offended many Populists, who already had a feeling that their party had accomplished the purposes for which it had come into existence and was now being kept alive chiefly for the benefit of certain office-holders led by Senator Butler. After the new fusion was announced, this feeling rapidly ripened into conviction and large numbers of Populists, taking advantage of the race issue, returned to the Democratic fold and supported the amendment.

The several groups whose attitude we have been considering were composed of those who generally voted straight party tickets. There was yet another miscellaneous group, composed of Democrats, Populists, and Republicans, small in number but influential because of their superior intelligence and character, who acted from other motives. "With vision and foresight," says Professor Hamilton, "they looked forward beyond the existing party struggle and for the sake of the political ideals of their children—of the state of the future—they were willing to go to almost any length to carry the amendment and thus remove from politics in the state the sore spot which was rapidly impairing the political health, and with it the political morality, of all the people. Many of these had no particular reverence for the fifteenth amendment, believing as most people in the South did, that by reason of the method of its adoption it had never been in morals or in law a part of the Constitution and that hence it was not binding upon their consciences. But with many others this was not the case. They believed that the amendment was probably in conflict with the [Federal] Constitution and it required a powerful impulse to gain their support. Hope for the ultimate restoration of the sort of political morality which had prevailed in an earlier day and for an educated electorate furnished that and justified their action to themselves."[7]

The Negro's Attitude Toward the Amendment

Heretofore we have considered only the attitude of the whites toward the suffrage amendment. But what of the negro?

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[7] *History*, 312-313.

How did he feel toward this issue so momentous for his future? This is a difficult question to answer. The average negro was illiterate and ignorant, and therefore inarticulate. Accustomed to the domination of the white race, he stood by for the most part in silence, never raising his voice, publicly at least, in protest while the white man deprived him of his political privileges. But whether this attitude arose from stolid indifference, from fear, or from temporary mental shock at finding himself so suddenly and unexpectedly the center of such a storm of passion, it is impossible to say. On the other hand there were many negro politicians who were not so acquiescent. Accustomed to swaying the ignorant masses of their race, and seeing themselves about to be deprived of their chief stock in trade, they threw themselves actively into the campaign against the amendment. They attempted, sometimes openly, more often secretly, to arouse and organize their former followers, and were loud in their threats of Federal interference in their behalf. Their efforts, however, served only to solidify the ranks of the whites and to intensify race passions.

More important than either of these groups was the small group of educated, cultured negro leaders, whose views found expression in an "Address to the People of North Carolina," issued by a convention held in Raleigh on Emancipation Day.[8] The address was admirably conceived and expressed. It was neither severely critical nor threatening in tone, but was eloquent in its appeal to the sense of justice, as well as to the self-interest, of the white race. The signers feared that the proposed amendment was merely "the initial step" in the nullification of the Emancipation Proclamation and the abrogation of the results of "the war for freedom." They declared that the thirteenth, fourteenth, and fifteenth amendments "are the guarantees of our freedom and citizenship in this land," and that their repeal would deprive the negro of his only means of defense against deprivation of his freedom. To the assertion that "the negro is unfit for the responsibilities of citizenship," it was answered that "he is not likely to develop to a higher degree of

[8] *News and Observer*, Jan. 2, 1900.

prudence and efficiency in the discharge of such functions by depriving him of an opportunity of gaining that experience which comes only from exercise." An effective appeal was made to history to show that the negro could not justly be held responsible for the bad government which had "brought shame and disgrace to our civilization," because when a convention of negroes was held in 1865 "to consider their new relations to the state and country," their invitation to leading white men "to come and address them words of advice" was declined, and then only was it that "the negro turned to such others of the white people as professed sympathy for him in his aspirations for complete liberty." That some of these men proved to be corrupt; that they used the opportunity "in the prosecution of their venal ambitions," was only too well known; but it was asked, "in view of all the facts and circumstances here set forth can you hold us responsible?" The address closed with an appeal to the self-interest of the white man:

> We plead earnestly with you. We utter no threats. We love our state. We desire to see it prosper. It will be the saddest day in the history of our race when the decree goes forth that we must turn our backs upon the land of our nativity, . . . or live under conditions which no race worthy of your respect could endure. We speak these words because we know of the unrest, the anxiety, and the fears of our people. Thousands of them have already left the state. These are among the most thrifty, frugal, and valuable of the colored citizens of the state. Other thousands have been deterred in the hope that when partisan prejudice and passions shall have subsided peace and happiness will again spread their snowy pinions above us, and that we will move on in the direction of a splendid era.

This address was signed by nineteen negroes prominent in the church, at the bar, and in business, who felt that as acknowledged leaders of their race they must speak out although they realized full well the utter futility of their plea.

The White Supremacy Campaign

Opponents of the amendment overlooked no argument that might raise doubts and apprehensions in the minds of voters.

They urged that its adoption would subject the uneducated many to the political domination of the educated few; that no illiterate white man would be permitted to register because he would never be able to prove that his ancestors had voted before 1867; that voters who lost their tax receipts would be deprived of their right to register; that it would bankrupt the state to provide educational facilities sufficient to enable those who became of age after 1908 to qualify themselves for the suffrage; and that poor boys and orphans who could not afford to go to school would be disfranchised. The fact that some of these arguments were obviously absurd did not rob them of their effectiveness with ignorant and suspicious voters.

Much more important than these were those arguments which dealt with the Federal aspects of the amendment. Its opponents asserted, in the first place, that its adoption would be a breach of faith because it was contrary to the act of Congress under which North Carolina reentered the Union in 1868, by the acceptance of which the state had tacitly pledged itself never to amend its Constitution so as to deprive any citizen of the United States of the right to vote. In the second place—and this was the most dangerous point made against the amendment—they contended that it was in violation of the fifteenth amendment to the Constitution of the United States, and pointed out that if the Supreme Court of the United States should declare the "grandfather clause" unconstitutional and uphold the rest of the amendment, as seemed probable, the result would be the disfranchisement of illiterate whites as well as illiterate blacks. Senator Butler's paper, the *Caucasian,* which had favored the amendment in the spring of 1899, gave this possibility as the reason for its later change of front; and many Democrats and Populists otherwise favorably disposed toward it were shaken in their support by this argument.

Consequently by June the current was setting strongly against the amendment, and the Democratic leaders realized that they must do something to check it or suffer disaster. The problem was referred to the Legislature, which met in adjourned session June 12, and was solved by adding to the proposed

amendment a new section which declared that "this amendment to the Constitution is presented and adopted as one indivisible plan for the regulation of the suffrage, with the intent and purpose to so connect the different parts and to make them so dependent upon each other that the whole shall stand or fall together." The amendment was then submitted to several eminent lawyers who published their opinion that it was not in conflict with the Federal Constitution and, further, that the educational clause and the "grandfather clause" were "so connected in subject matter, each so clearly dependent and conditioned upon the other, that both must stand or fall together." These things helped to allay much of the apprehension of the voters, but more potent than anything else in accomplishing this result were the arguments and opinions of the Democratic speakers, and especially of the Democratic candidate for governor. Aycock made no effort to conceal the real purpose of the amendment, to explain it away, or to apologize for it, but declared frankly that, "It was drawn with the deliberate purpose of depriving the negro of the right to vote, and of allowing every white man to retain that right. And I tell you now and here, did I believe that it would cause the oppression of a single man, or deprive one white man, however ignorant or humble, of his suffrage, I would not support it."

After June, the campaign quickly got into full swing. As already stated, the opponents of the amendment had made considerable headway. Even Chairman F. M. Simmons of the state Democratic executive committee, admitted that by May 1, "the tide began to set alarmingly against us." This initial advantage, however, the opponents of the amendment soon lost by bad judgment in the management of their campaign and by the skill with which the Democrats took advantage of their mistakes. The activities of Federal office-holders against the amendment, the repeated threats of Federal interference, the attempts to intimidate election officials by intimations of indictments in the Federal courts, the prominence in the ranks of the opposition of certain discredited negro politicians, all gave offense to thousands of white voters; while arguments based on political and

constitutional principles lost most of their force when advanced by the leaders of a fusion which seemed to the average voter to subordinate political principles to the exigencies of a small group of office-seekers. Moreover the sharpness with which the Democrats drew the color line made it increasingly difficult as the campaign progressed for white men to face and answer the charge that opposition to the amendment stamped them as advocates of negro rule. By the middle of the summer, therefore, the tide had definitely turned in favor of the amendment, and by July 1 the only question was the size of the majority.

This result to a large extent was due to the skill with which Chairman Simmons managed the Democratic campaign. A challenge by Populist leaders to a joint discussion of the amendment was declined, ostensibly on the ground that as both the Democratic and the Populist parties had declared for white supremacy, the real opponent of the amendment was the Republican party; but in reality because the Democratic leaders were unwilling to stage a debate that would certainly intensify party feeling among the Populists, whom they were hoping to coax back into the Democratic fold. The wisdom of this position soon became apparent, for by the middle of the summer many Populists were following the example of their former candidate for governor, William A. Guthrie, in supporting the amendment. Moreover, several prominent Republicans, including such men as Thomas Settle, Curtis H. Brogden, and Henry R. Starbuck, became its open champions, while many others who for party reasons did not care to parade their views gave it their silent support. This attitude was especially strong among the Republicans in western North Carolina who desired by eliminating the negro from politics to lay the basis for a "lily white" Republican party in the state, and this sentiment was carefully nursed by Democratic leaders.

At Democratic headquarters, the weeks preceding the Democratic convention were devoted to careful preparations for the campaign on the stump that was soon to be launched. In every community a "white supremacy" club was organized; the Red Shirts were revived; and thousands of personal letters, as well

as the usual type of campaign documents, were mailed directly to voters, in order, as Chairman Simmons said, "to prepare them to hear with interest, and understanding, the great campaign of argument which was to be made from the stump." Popular interest at first was slight and the crowds small, but before the campaign closed interest reached a high pitch and the Democratic speakers found themselves addressing ever increasing audiences. Aycock alone, it was estimated, made 110 speeches and addressed upwards of 100,000 people.

Aycock on the Stump

Of all the speakers in this campaign none was heard so eagerly by men of all parties as the Democratic candidate for governor. The Democratic program as he expounded it embraced the trinity of good government, universal education, and material prosperity, all of which he prophesied would follow suffrage reform. He asserted that universal suffrage, after an experience of thirty years, had failed to assure good government, and for that reason it should be restricted to those who understood and appreciated the responsibilities of democracy. He justified the "grandfather clause" on the ground that while the illiterate white man had such an understanding and appreciation through generations of inheritance, the illiterate negro had it neither through inheritance nor education. "Those who have experienced the suffrage for a long time and their descendants," he declared, "possess an education in government certainly as great as those who can merely read and white." However, the discrimination in favor of the illiterate white man was to be temporary and was to disappear after 1908. "We recognize and provide," said he, "for the God-given and hereditary superiority of the white man and of all white children now thirteen years of age, but for the future as to all under thirteen we call on them to assert that superiority of which we boast by learning to read and write."

To many Democrats, however, and to their opponents also, the provision limiting the right to register under the "grandfather clause" to a period of years, seemed the weakest point

in the amendment; and while its opponents laid great stress on this provision, its advocates were disposed to relegate it as much as possible to the background. Aycock did not sympathize with this attitude. In his Speech of Acceptance he enthusiastically endorsed the provision, and advised his party not to waver or falter in advocating it. He declared, "The man who seeks in the face of these provisions to encourage illiteracy is a public enemy and deserves the contempt of all mankind. . . . With the adoption of our amendment, after 1908 there will be no state in the Union with a larger percentage of boys and girls who can read and write and no state will rush forward with more celerity or certainty than conservative old North Carolina. The miserable demagogue who seeks to perpetuate illiteracy in the state will then have happily passed forever." To those who thronged to hear him on the stump, he said; "If you vote for me, I want you to do so with the distinct understanding that I shall devote the four years of my official term to the upbuilding of the public schools of North Carolina. I shall endeavor for every child in the state to get an education."

Thus he skillfully turned a heated political campaign into a campaign for universal education. But at the opening of the campaign the opposition made such effective use of this provision by contending that it would disfranchise many white voters, that some Democrats became apprehensive of the result, and the more timid of them urged that it be stricken out at the adjourned session of the Legislature to be held in June. Aycock was then in the western part of the state, where he was devoting much of his discussions to advocacy of this clause, and when he learned of the movement to have it repealed he promptly declared his opposition in terms that could not be misunderstood. He had accepted the nomination, he said, with the understanding that the Democratic platform was a solemn pledge to the people of the state that the amendment would be submitted to them as it came from the Legislature; he had so stated on a hundred platforms, and had staked his own honor on the good faith of his party; and he now declared that if his party repudiated its pledge, he would instantly resign his candidacy,

withdraw from the campaign, and go home. His bold and determined stand dealt the movement its death blow, and, as subsequent events have demonstrated, saved the amendment from being declared unconstitutional by the Supreme Court of the United States.[9]

Perhaps Aycock reached the highest point of his statesmanship when he came to deal with the future relations of the two races. To appreciate fully the significance of his stand on this point one must recall the circumstances under which it was made. North Carolina had just passed through a second period of negro rule; that régime had just been overthrown after a bitter contest in which the chief appeal had been to race passions, and a great political party, the chief beneficiary of that result, had now determined to make permanent its power by raising the battle-cry of "white supremacy." There was grave danger—indeed, there was a strong demand within the Democratic party—that the campaign be waged chiefly upon a basis of race prejudice; that this was not done was due chiefly to the wise and courageous stand of a small group of Democratic leaders whose views found expression in Aycock's unalterable stand for justice to the negro race. His constant repetition of this sentiment on the stump, his insistence upon making universal education the chief theme of his speeches, and the firmness with which he resisted all proposals to shut the door of hope in the face of the negro forever by striking out the time limit for the operation of the "grandfather clause," convinced the more thoughtful negro leaders that the race had nothing to fear from his election, and saved North Carolina from the unspeakable calamity of a perpetual heritage of race bitterness and hatred.

The Election of 1900

Emphasis is here laid on Aycock's part in the campaign partly because he was the chief spokesman of the successful party; he was, however, only one of a large number of eminent speakers

[9] In 1915 the Supreme Court held unconstitutional a similar clause in the Constitution of Oklahoma. *Guinn v. United States*, 238 U. S. 347, 364-365.

who appeared on both sides in this notable contest. Reviewing the campaign as a whole after the lapse of twenty-five years, one is inclined to concur with the contemporaneous statement of Chairman Simmons, who said at its close, "Never before in North Carolina has such an army of campaign orators appeared on the stump, never before were such crowds assembled in the state to hear political speeches, and never before were speeches as effective in winning votes and moulding public opinion." The truth is the campaign worked a revolution in the state far more widespread than even the most sanguine of the Democratic leaders expected. Six days before the election, the *News and Observer,* the leading Democratic organ, predicted a majority for the amendment of 30,000. The actual vote on August 2 gave the amendment a majority of 53,932, and swept Aycock into office by the unprecedented majority of 60,354. The total vote was as follows:

For amendment	182,217
Against amendment	128,285
Majority	53,932
For Aycock	186,650
For Adams	126,296
Majority	60,354

Sixty-six of the 97 counties gave majorities for the amendment, and 73 for Aycock, while the Democrats captured the Legislature by a large majority, electing 39 of the 50 senators, and 101 of the 120 representatives.

The results of the state election robbed the national campaign which followed of most of its interest. That Bryan would carry the state was a foregone conclusion. Lack of popular interest in the national election was evidenced by a falling off of 22,216 in the vote as compared with the August vote, and in Bryan's majority over McKinley of only 24,736 as compared with Aycock's majority of 60,354 over Adams. Spirited contests were staged in the several congressional districts, which resulted in the election of seven Democrats and two Republicans. William W. Kitchin was reelected from the fifth district, John H.

Small from the first, Charles R. Thomas from the third, John D. Bellamy from the sixth, and Theodore F. Kluttz from the seventh. Two new members of the delegation, destined to long and distinguished careers in Congress, were Edward W. Pou, who was elected in the fourth district, and Claude Kitchin, who, in the second district, defeated the incumbent, George H. White, North Carolina's last negro representative in Congress. The two Republicans who came through to victory were E. Spencer Blackburn in the eighth district and James M. Moody in the ninth.

The center of the stage in the November election was held by the primary between F. M. Simmons and Julian S. Carr for the Democratic nomination for United States senator to succeed Marion Butler, in which Simmons, carrying 81 of the 97 counties, defeated Carr by a majority of 55,073. This primary election, the first in the history of the state, was watched with keen interest in view of the plank in the Democratic platform favoring the passage of a state-wide primary law "by the next General Assembly." The result was not encouraging. The primary vote was smaller than the vote cast at the same time for Bryan, and less by 37,000 than the vote for Aycock in August. Moreover, criminations and recriminations between friends of the rival candidates threatened a dangerous rift in the Democratic party at a time when harmony was especially essential to party interests. As a consequence the very word "primary" was anathema to the Legislature of 1901, and fifteen years passed before the General Assembly so far forgot the experience of 1900 that it could be induced to pass a primary law.

The Democrats Consolidate Their Gains.

With the meeting of the General Assembly, January 9, 1901, and the inauguration of Aycock, January 15, both the legislative and executive branches of the state government passed once more under the control of the Democratic party. The Legislature, as was natural under the circumstances, devoted considerable attention to legislation of a purely political character, designed primarily to consolidate Democratic gains. Of such

legislation the most important related to elections. Provision was made for the permanent registration of voters under the "grandfather clause" of the suffrage amendment, and for political effect many prominent Democrats, including Governor Aycock, ostentatiously hastened to enroll their names on this permanent list. A new election law was passed, which did not measure up to Aycock's recommendation of "an election law which shall be so fair that no just man will oppose it"; many

AYCOCK DELIVERING INAUGURAL ADDRESS

just men, then and afterwards, Democrats as well as Republicans, criticised it for its failure to provide the safeguards characteristic of modern election laws against intimidation, corruption, and fraud. As a result of the Simmons-Carr senatorial primary, the Democratic Legislature refused to obey the mandate of the Democratic convention relative to the enactment of a state-wide primary law; it did, however, insert the entering wedge for the primary system by providing legal protection for primaries in sixteen specified counties when such elections should be ordered by the county executive committee of any party.

A practical political problem of no little difficulty for the Democratic majority was the redistricting of the state for senatorial and congressional elections based on the census of 1900. After long and at times caustic debates within the party caucus, both problems were satisfactorily solved from a partisan point of view. By ruthless gerrymandering the counties were grouped into thirty-nine senatorial districts in such a way as practically to wipe out Republican representation in the state Senate. Between 1903 and 1924, the number of Republican senators twice reached as high as eleven and three times fell as low as three; as an effective opposition in the state Senate, therefore, the Republican party ceased to function. The arrangement of congressional districts furnished an even more difficult problem. The Democratic majority considered two proposals—one, to create one "strong and rock-ribbed Republican district," one doubtful district, and eight districts which would be certainly Democratic; the other, to gerrymander the Republican counties in such a way that while the Democrats would "run the risk of losing two or three congressmen, they would have a fine chance of electing all ten." The latter alternative was adopted, and time, from a Democratic point of view, demonstrated its wisdom. Between 1901 and 1925, only five Republicans were elected to Congress from North Carolina, and nine out of the thirteen delegations representing the state during those years were solidly Democratic.

The most notable political act of the Legislature of 1901 was the impeachment and trial of Chief Justice Furches and Associate Justice Douglas. Details of the trial will be discussed in another place; here it is sufficient to mention only its political aspects. Having regained control of the legislative and executive branches of the state government, the Democrats were impatient to "redeem" the judiciary without waiting for the next election. Accordingly the House of Representatives, in 1901, instituted impeachment proceedings against Judges Furches and

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[10] *Trial of David M. Furches and Robert M. Douglas on Impeachment by the House of Representatives for High Crimes and Misdemeanors.* (Published by order of the General Assembly). 1901.

Douglas to make way for Democratic successors.[10] Ostensibly the charges against them involved a technical violation of the state Constitution; in reality they were inspired by the belief in Democratic circles that the Republican court, if a case were brought before it, would declare the suffrage amendment to be in violation of the fifteenth amendment, and therefore void. Locke Craig, who introduced the resolution of impeachment, declared on the floor of the House that this was the fundamental cause of impeachment. The Republicans, of course, opposed the proceedings, as did a strong minority among the Democrats led by Henry G. Connor. After a trial lasting fourteen days the Senate acquitted the judges on all five articles.

The immediate political reaction to the impeachment trial was not favorable to those who had been most active among its advocates. Much of the opposition among Democrats to the nomination of Judge Walter Clark for chief justice in 1902 was due to his supposed activity in inspiring the impeachment of his associates; while the prominence of Locke Craig and Cyrus B. Watson in the case against the judges undoubtedly contributed to their defeat for the United States Senate by Lee S. Overman in 1903. It is noticeable, too, that in 1904 Theodore F. Davidson's campaign literature in his candidacy for the Democratic nomination for governor made no reference to his appearance as counsel against the judges, while both he and W. D. Turner, who presided over the Court of Impeachment, were defeated for the nomination by Robert B. Glenn, who was not in any way concerned with the trial. Moreover, Judge Connor's opposition to impeachment strengthened him in his race with Judge Brown for the Supreme Court in 1902.

The Election of 1902

Political circles attached greater significance to the election of 1902 than is usual in off years. Important state officials were to be chosen, and the Legislature elected in November would have to select a successor to Pritchard in the United States Senate; but the chief interest in the election arose from the fact that it was the first held under the new suffrage amend-

ment and was generally regarded as something of a test of its effects. Both parties, therefore, were eager to make a good showing—the Democrats as an endorsement of their past, the Republicans as a forecast of their future. The situation bristled with all sorts of interesting speculations. To what extent would discontented Democrats take advantage of the new freedom of political action which Aycock and other party leaders had promised would follow the adoption of the amendment? What would former Populists who had voted with the Democrats in 1900 on the race issue do now that that issue had been eliminated? Would the Republicans succeed in convincing discontented Democrats and former Populists of their sincerity in proposing to build up a "lily white" party? To what extent would negroes who could qualify under the amendment attempt to exercise their right to vote, and with what results? It was expected that the election would answer all these and other similar questions.

The state officials to be elected were the superintendent of public instruction, two associate justices of the Supreme Court, and the chief justice. To James Y. Joyner, whom Aycock had appointed to succeed Toon upon the latter's death, February 19, 1902, was conceded the Democratic nomination for superintendent of public instruction without opposition. For associate justice there developed a contest among several able lawyers in the West, with Platt D. Walker easily in the lead, while in the East a spirited battle was waged between Judge Henry G. Connor and Judge George H. Brown. Judge Connor after serving eight years on the Superior Court bench had resigned in 1893 and had since been in private practice; Judge Brown had been on the bench since 1888 and was deservedly reckoned among the ablest and most popular judges in the state.

These contests, however, were overshadowed for a time by a sensational attack upon Judge Clark, who was a candidate for the Democratic nomination for chief justice. The Republicans, who charged Judge Clark with inspiring the impeachment of Judge Furches and Judge Douglas, were bitterly hostile to him, but the main attack on him came from within the ranks of his

own party. Much silent opposition to his nomination had developed but the first public expression of it came from Henry A. Page, president of the Aberdeen and Asheboro Railroad, who published a caustic open letter challenging Judge Clark's fitness for the bench.[11] The burden of his argument was that Judge Clark's well-known views on corporations in general, and on railroad corporations in particular, rendered him "altogether unfitted to hold the scales of justice evenly." To this attack, which was widely circulated in pamphlet form, Judge Clark made no reply. His enemies, accordingly, followed it up with an even more bitter attack by the former railroad commissioner, Maj. James W. Wilson, who impeached not only Judge Clark's fitness to hold a judicial position, but also his Democracy, charging that he had deserted the Democratic party when it faced defeat in 1894, that he had been "the confidential adviser" of the Russell administration, and that he had returned to the Democratic party only when he saw that the Fusionists faced defeat in 1900. Furthermore, he asserted that letters and other documents substantiating his charges were "still in existence" and challenged Judge Clark to call for their publication.

To say that the publication of this letter produced a sensation would be stating the fact mildly. Judge Clark realized that he could not afford to ignore such specific allegations, and on April 30, through a friend, he replied with a sweeping denial of their truth.[12] It was soon apparent, however, that his reply without the letters and documents alluded to by Major Wilson, was not convincing, and even his friends now joined in the demand that they be produced. Thereupon Governor Russell, to whom they were addressed, offered copies to Judge Clark who, on May 10, made them public with an explanation of the letters and a defense of his course.[13] His reply seemed to his enemies to lack frankness and to evade the issue; but it was accepted

[11] *Charlotte Observer*, Jan. 26, 1902.

[12] The Wilson letter and the Clark reply were published in parallel columns in the *News and Observer*, April 30, 1902.

[13] *News and Observer*, May 11, 1902. The entire correspondence in this case was later published by Mr. Page in pamphlet form under the title *Some Campaign Letters*.

by his friends as a satisfactory explanation and an adequate defense.

The attack proved a boomerang. Judge Clark was strong with the people, who were not blind to the fact that the opposition to him emanated from railroad circles. The popular reaction, accordingly, was in his favor and party leaders, sensing this fact, gave him their support. By the time the convention met at Greensboro, July 16, the fight on him had "petered out" and he was nominated for chief justice without serious opposition. For associate justices, Walker and Connor were named, the latter defeating Brown by a margin of five votes. The convention adopted a forward-looking platform, renewing its plank favoring a four-months school in every district, pledging the party's "hearty support" to a good-roads program, and demanding a fair and just system of taxation to the end that "all subjects of taxation shall bear their just and equal proportions of the burdens of government." It refused to adopt a plank favoring a division of the school fund between the races on a basis of what each paid.

Encouraged by the opposition to Judge Clark and misled as to its strength, Thomas N. Hill, a Democratic lawyer of Halifax County, on August 7, announced his candidacy for the chief justiceship as an independent Democrat, subject "to such action as may be taken by any state convention composed of Democrats that may assemble hereafter for the purpose of making a nomination in opposition to Judge Clark." Another version of his announcement card, however, intended doubtless for circulation among Republicans, omitted the words "composed of Democrats," and when the Republicans met in state convention they promptly endorsed his candidacy. They were so bent upon defeating Judge Clark that they denied Chief Justice Furches and Judge Douglas the endorsement of a renomination, and later placed the names of the Democratic nominees, Walker and Connor, on their ticket along with Hill's.

The Republican convention met at Greensboro, August 28. It adopted an excellent platform, declaring for a four months school term, for more liberal support of the state's charitable institutions, for more generous pensions to Confederate soldiers,

and for legislation to encourage the investment of capital in the state. The convention, however, committed two serious tactical blunders—it attempted to make political capital out of the management of the public schools, and it refused to declare specifically its acceptance of the suffrage amendment; in both cases the Republican leaders failed to interpret public sentiment correctly. By far the most significant act of the convention was the exclusion of all negro delegates for the first time in the history of the party, thus committing the party definitely to the "lily white" movement. The convention declared also that with the adoption of the suffrage amendment the negro had "passed out of the realm of politics" and that, if the Democrats kept faith with the people, "there can be no such thing as a race issue in the present campaign."

However, the race issue would not down at a mere gesture. It furnished too ready a theme for Democratic orators and the stupid blunder of the Republicans in refusing specifically to declare their acceptance of the suffrage amendment gave the Democrats the excuse they needed for thrusting the old issue into the campaign. Abandoned by the Republicans and intimidated by the Democrats, the negroes themselves remained silent and aggrieved spectators of the campaign. The Republicans made a drive at discontented Democrats, appealing especially to the business element's distrust of Judge Clark, in an effort to capture the Legislature and reelect Pritchard to the United States Senate. An important incident in the campaign was the joint debate between Pritchard and Locke Craig, the latter a Democratic candidate for the Senate, the result of which contributed largely to Craig's defeat at the hands of the Democratic Legislature. The outcome of the election was never in doubt. There was a falling off in the Republican vote of nearly 60,000, due to the elimination of the negro, and the Democrats elected Clark by a majority of 60,000, carried every congressional district, and captured the Legislature by a large majority.

The election of 1902 completed the process of the return of the Democratic party to power. After January 1, 1903, all state departments, executive, legislative, and judicial, were controlled by the Democrats. Moreover, the Legislature of 1903, after a spir-

ited contest, elected Lee S. Overman to the United States Senate to succeed Pritchard. When Congress met, therefore, in extra session, November 9, 1903, with Simmons and Overman in the Senate and ten recently elected Democrats in the House, North Carolina for the first time in her history was represented in Congress by a solid Democratic delegation.

CHAPTER XLIV

THE CONFLICT OF THE COURTS

North Carolina, in common with the other southern states, came out of the nightmare of Reconstruction with a feeling of estrangement from the government of the United States. For a half century after the close of the Civil War, except for the two terms of Cleveland, the Federal government was in the hands of a party hostile to the predominant interests and sentiments of the South, and the South was almost entirely excluded from any part in the management of Federal affairs. The South was in the Union, but not of it, and felt its predicament keenly. In a speech in the United States Senate in 1880, Vance gave expression to southern sentiment, when, after a brief reference to the defeat of the South in the Civil War, he said:

> Peace then came—no, not peace, but the end of war came—no, not the end of war, but the end of legitimate civilized war, and for three years you dallied with us. One day we were treated as though we were in the Union, and as though we had legitimate State governments in operation; another day we were treated as though we were out of the Union, and our governments were rebellious usurpations. It was a regular game of "Now you see it and now you don't." We were in the Union for all purposes of oppression; we were out of it for all purposes of protection. Finally, seeing that we still remained Democratic, the Union was dissolved by act of Congress and we were formally legislated outside in order that you might bring us into the Union again in such a way as to guarantee us a Republican form of government—that is, that we should vote the Republican ticket. . . .
>
> You now affect to treat the presence of representative Southern men in these Halls as both an intrusion and a calamity, and the tone of your speeches will induce an intelligent stranger sitting in these galleries for the last three months to believe that you were sorry you had spent so much blood and treasure to force the South back into the Union. . . . Mr. President, it has seemed to me not a little hard and inhospitable that Southern

Senators whose States were forced back into the Union should be so often twitted with their presence on this floor. . . . Now that we are here, the Senator from Illinois complains of our presence, and the Senator from New York accuses us of wishing to "dominate" at the feast to which we have been invited, and says that we are like McGregor, who claimed that the head of the table was wherever he sat. For one, I disclaim all desire to dominate at the feast, unless, indeed, voting for Democratic measures be domination. I do desire, however, to be equally honored with the other guests; and I desire, in vindication also of the good name and rude hospitality of McGregor, to say that, in my opinion, he would have been the last man in all Scotland, riever and cattle-lifter as he was, to invite a man into his house and up to his board, and then denounce him for being there.[1]

The people, however, judged of their national government chiefly by its local representatives, who, unfortunately, were not in the South, as a rule, such as to inspire either respect or confidence. The entire Federal service in North Carolina, as Mr. Taft said in 1906, was controlled by "a distant appointing power" which selected "particular men to perform official functions in a community politically hostile to those men." The result was "not good for the men or the community." Revenue officials, often openly and unblushingly corrupt, almost alone had the ear of the Federal administration and dominated Federal politics in the state. The people could not forget that the Federal government had forced negro rule on them at the point of the bayonet, nor that every Democratic victory for years had been accompanied by a threat of Federal interference in state elections. Moreover, there were frequent conflicts of jurisdiction between the state and Federal courts, in which the latter too often rode roughshod over the former; and the Federal courts were notoriously under the influence of the railroads and allied interests. To the average North Carolinian they were alien tribunals, feared by lawyers, avoided by litigants, and distrusted by the people.[2]

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[1] Dowd, *Life of Zebulon B., Vance*, 225-39.

[2] For incidents of the use of the Federal courts for political purposes see Ashe, *History of North Carolina*, II, 1135-42, and Hamilton, *History of North Carolina*, 313.

The Impeachment of the Republican Judges

North Carolina Democrats had no idea that the Republicans would quietly acquiesce in the nullification of the fifteenth amendment to the Federal Constitution, and it gave them no little concern, therefore, that the latter controlled both the state and Federal judiciary. Apprehensions of an attack on the suffrage amendment of 1900 were strengthened by the decisions of the Supreme Court of North Carolina in the office-holding cases, and by the indictment in the Federal court, after the election of 1900, of a large number of Democratic election officials.

Upon coming into power in 1899, the Democrats were anxious to get immediate control of the various state institutions, commissions, and boards without waiting for the expiration of the regular terms of the Populist and Republican incumbents. The lion in their path was the decision of the Supreme Court in *Hoke v. Henderson,* in which the court held, Chief Justice Ruffin writing the opinion, that while the Legislature could abolish a statutory office, it could not, as long the office continued, deprive the incumbent of his estate in it during the term for which he was appointed. The Legislature of 1895 had attempted to get around *Hoke v. Henderson* and to oust Democratic office-holders in favor of Fusionists by declaring certain institutions and offices abolished and immediately creating others with identical functions and similar names to which it elected new officials. But the Supreme Court, though composed of Fusionist judges, by an extension of the doctrine of *Hoke v. Henderson,* held that a mere change of name, without change of functions, was but a "colorable abolition" of an office which did not deprive the incumbent of his legal tenure. The most important of these cases were commonly called the "asylum cases," because they involved the control of the state's three asylums for the insane.

In 1899 the Democrats, newly returned to power, undertook to do exactly what the Fusionists had attempted in 1895 and 1897. The chief institutions involved were the penitentiary, the Railroad Commission, and the Atlantic and North Carolina Railroad Company. The acts were skillfully drawn so as to

avoid the snare of the "asylum cases." But again, by a still further extension of *Hoke v. Henderson,* the Supreme Court, with Justice Clark always and Justice Montgomery sometimes dissenting, intervened to prevent the old officers from being turned out. Their decisions drew bitter criticism from the Democrats; but the judges quite aptly retorted, "What was the organic law in 1897 remained the organic law in 1899."

One of the offices created by the Fusionist Legislature of 1897, which the Democratic Legislature of 1899 "abolished" by transferring its functions from a Populist inspector to a Democratic commission, was the office of inspector of shell fish. The incumbent was Theophilus White. Relying upon the doctrine laid down in the office-holding cases, White instituted proceedings in the Superior Court to test his title to his office; the lower court decided in his favor and was sustained by the Supreme Court. But the Legislature had passed an act forbidding the state treasurer to pay any compensation for services in the industry except such as were authorized under the new act, and the state auditor accordingly refused to issue his warrant for White's salary. In a suit which White brought against the auditor, the Supreme Court, Justices Clark and Montgomery dissenting, declared White entitled to his salary, and the clerk of the court, upon the advice of Judges Faircloth, Furches, and Douglas, issued a mandamus upon the state auditor to draw his warrant in White's favor for the amount due and another on the state treasurer to honor the warrant. The amount involved was $851.15. Democrats vigorously assailed the court for this decision, asserting, among other things, that the judges had violated Article IV, Section 9, of the Constitution, which declares that decisions of the Supreme Court in cases involving claims against the state "shall be merely recommendatory" and that "no process in the nature of execution shall issue thereon."

Most of the decisions in the office-holding cases had been rendered by a divided court, three Republican judges, Faircloth, Furches, and Douglas constituting the majority, with Montgomery, Fusionist, and Clark, Democrat, dissenting. On December 20, 1900, Chief Justice Faircloth died, and on January 7, 1901,

Governor Russell appointed Associate Justice Furches to the chief justiceship, and Charles A. Cook to the vacant associate justiceship. Many Democratic politicians were eager to oust the Republican judges without waiting for their terms to expire, so as to bring the court under Democratic control at once, but this group could not have brought about impeachment had it not been for a larger group influenced by weightier considerations. In the Legislature of 1901, Locke Craig, advocating the impeachment of Furches and Douglas, said:

> The Legislature of 1899, after performing its great and arduous duty, adjourned and left this capitol. We left with forebodings of alarm. We left with feelings that our work might be undone, because we knew the political education and the feeling of the men who controlled another co-ordinate branch of the Government. No sooner had we adjourned and gone home than the Supreme Court of North Carolina, in violation of the prerogative conferred on them by the Constitution, began a systematic, continuous and determined attack upon the work of the General Assembly of '99.[3]

Many Democrats also believed that the suffrage amendment was in danger from the Supreme Court as then constituted. Said Craig, continuing his argument on the office-holding cases:

> I do not believe that these judges overrode the Constitution and destroyed our statute law for the sole purpose of reinstating the fusion office-holders. There was a greater purpose behind. They were going to the destruction of that which was permanent, that which guarantees that this State and her future destiny shall be controlled by the moral and intellectual manhood of North Carolina. They were blazing the way.[4]

There were still others who thought that in the White case the judges had "usurped legislative functions" contrary to the Constitution, and had thus set up a dangerous precedent which should be promptly challenged.[5] Point was given to this argument by the fact that holders of certain North Carolina bonds, who had refused to accept the settlement of 1879, were demanding of the Legislature of 1901 that their claims be paid in full.

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[3] *Memoirs and Speeches of Locke Craig* (edited by May F. Jones), 60.

[4] *Ibid*, 63.

[5] For a more detailed account of the impeachment of the judges see Hamilton, *History*, 316-23.

If the Supreme Court, it was argued, could compel the state treasurer to pay out $831.15, for which there was no legislative authority, what was to prevent its enforcing these larger claims? Could it not also compel the payment of repudiated "special tax" bonds?

But the Democrats were not unanimously for impeachment. A small group in the House of Representatives, under the leadership of Judge Henry G. Connor, agreed that while the judges in the White case exceeded their constitutional authority, they had not been actuated by partisan or corrupt motives; at the worst their action was but an error of judgment, which did not call for such an "heroic measure" as impeachment. Moreover, a trial and conviction in such a case would undermine the authority and dignity of the judiciary, while a timely warning would be sufficient to prevent any further judicial encroachments upon the domain of the Legislature. This group, therefore, favored simply a resolution of reprimand.

The Republicans, of course, were unanimously opposed to impeachment, and certain of their leaders hinted at reprisals through the Federal judiciary. After the election of 1900, forty-five Democratic registrars had been arrested on various charges of fraud and bound over to the United States District Court. Although Senator Pritchard opposed these arrests, the Democrats could not forget that he had introduced in the United States Senate a series of resolutions declaring the "grandfather clause" of the suffrage amendment a violation of the fourteenth and fifteenth amendments and of the fundamental principles of a republican form of government, and to them this could mean nothing less than a threat of Federal interference. Accordingly they interpreted the arrest of the Democratic election officials as the first step in a policy of intimidation. The cases were still pending when the Legislature of 1901 met, and that body, in the face of bitter Republican opposition, made provision for meeting the expenses of the trial of the accused. During the debates on impeachment, and later during the trial of the judges, there were "numerous threats of Federal interference. There was of course no talk of a new reconstruction, but it was confidently urged that if the judges were convicted, the amendment would be overthrown, the indicted registrars se-

verely punished, and the state visited by some Federal punishment, undescribed and mysterious, but full of horror."[6]

The people generally manifested but little interest in impeachment. Republicans everywhere opposed it. Among Democrats some were willing to follow their usual leaders; a much larger number thought impeachment a political blunder, but after the party went into it, they demanded for party reasons that it be carried through to a successful issue. The vast majority did not understand the issues involved and had no opinion on them; indeed, as Professor Hamilton aptly says, "The case was highly technical and the laymen were in the hands of the lawyers."[7]

The resolution of impeachment was introduced in the House by Locke Craig, January 31, and nine days later Judge Connor offered as a substitute a resolution which declared that in issuing the mandamus in the White case the Supreme Court "assumed authority and power not conferred by the Constitution and laws of the State, but in derogation thereof."[8] On February 18, after four days of stormy and bitter debate, the Connor substitute was defeated by a vote of 85 to 12 and the Craig resolution adopted by a vote of 62 to 33. The Republicans voted solidly against both. Thirteen Democrats voted against the Craig resolution and eight others were paired against it. The twenty Republicans filed a strong protest. Two days later a committee of the House impeached the two judges, Furches and Douglas, at the bar of the Senate. The case for the House was entrusted to a board of managers, who associated with themselves a group of able counsellors. On February 23 the managers filed with the Senate five articles of impeachment.

The Senate organized as a court of impeachment, February 25, and the judges, through counsel, filed their answer on March 6. It was a long and able defense. Admitting the decision and the issuance of the mandamus in the White case, they denied that they had been unmindful of their oaths, or of the duties of their office, or that they had violated the Constitution and laws,

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[6] Hamilton, *History*, 323.

[7] *Ibid*, 318.

[8] This account is based chiefly on the official documents in *The Impeachment Trial of David M. Furches and Robert M. Douglas.*

and contended that White's case did not involve a claim against the state. With reference to the office-holding cases, they disputed several of the essential facts as stated in the articles of impeachment, made sweeping denials of all charges of unlawful conduct, and denied "that they were influenced by any partisan bias or political purpose" in those decisions. They showed, on the contrary, that in twenty-three out of thirty-nine office-holding cases they had written or concurred in opinions which had ousted from office members of their own party in favor of Democrats.

Owing to the pressure of legislative business, the Senate did not begin the trial until March 14. It is unnecessary to follow the testimony and argument in detail. The managers produced authorities in support of their contention that White's case involved a claim against the state and, therefore, that in causing the mandamus to issue, the respondents had violated Article IV, Section 9 of the Constitution; but they were utterly unable to prove guilty intent, or corruption. They also failed in face of the facts, to establish their charge of partisan bias in the office-holding cases. The trial came to an end on March 28, but for several days previous the result had been a foregone conclusion. Despite enormous outside pressure upon senators to assure conviction, the managers knew before the vote was taken that they had lost. The vote on the first article was "Guilty," 27, "Not Guilty," 23; twelve Democrats voted "Not Guilty." Defeated on this test article, the managers offered to withdraw the others, or to accept a vote of "Not Guilty." Objection, however, was made by certain senators who desired "to go on record," and the voting continued, resulting in an acquittal on every article. In explaining his vote of "Not Guilty" on the first article, Senator Henry A. London said, "I believe that a majority of the fair-minded people of North Carolina will approve of the vote I will now give. I am quite sure that the next and more impartial generation will approve it." That Senator London had correctly sensed both contemporary and future opinion will now scarcely be disputed.

The verdict made a favorable impression at Washington. Senator Pritchard thought it offered a good opportunity for the Republican administration to make a friendly gesture toward

the state that would reassure it against its fears of Federal interference in its internal affairs. Accordingly, upon his earnest advice, the cases against the Democratic registrars were *nol prosed,* and with this action the ghost of Reconstruction was laid forever in North Carolina.

The South Dakota Case

The proponents of impeachment had found support in the demand made upon the Legislature of 1901 to reopen the bond settlement of 1879. The bonds involved were issued in 1866 for the construction of the Western North Carolina Railroad, and were secured by a second mortgage on the state's stock in the North Carolina Railroad Company. They had sold for prices ranging from 25 to 60 cents on the dollar, and in the settlement of 1879 the state agreed to redeem them at 25 cents on the dollar and interest. The Schafer Brothers, New York brokers, who held 250 of these bonds, refused to accept the compromise, and in 1901 memorialized the Legislature for settlement in full. The Legislature declined.

Thereupon the brokers donated ten of the bonds to the University of South Dakota, without consideration, with the understanding that South Dakota would bring suit on them in the Supreme Court of the United States.[9] The purpose of this transaction, of course, was to evade the eleventh amendment to the Federal Constitution and to establish a legal process by which the remainder of the bonds still in the brokers' hands might be collected. On October 7, 1901, South Dakota applied to the Supreme Court for permission to bring the suit. That state had made no demand upon North Carolina for payment, and the first intimation that Governor Aycock had of the proposed suit came through newspaper reports. Believing the settlement of 1879 "honorable to the State and just to her creditors," he employed counsel to aid the attorney-general in defending the suit.[10] North Carolina entered a plea to the jurisdiction of the Court, contending, among other points, that it had been procured by fraud since the real parties to the suit were the bondholders and

[9] See Hamilton, *op. cit.*, 323-330.

[10] Message to the Legislature of 1905—*Public Documents.*

not the state of South Dakota. The case was argued in April, 1903, and again, upon a request for reargument made by the Court, in January, 1904. In February, 1904, the Court handed down a five-to-four decision in favor of South Dakota and ordered that enough of the pledged stock of the North Carolina Railroad Company be sold to satisfy the judgment of $27,400. However, at the request of North Carolina, the Court allowed an extension of time to enable the governor to lay the matter before the Legislature of 1905.

The decision was bitterly assailed in North Carolina. Many lawyers, declaring that the Court had no means of enforcing its decision, urged resistance. The Democratic party in its platform adopted in June, 1904, expressed approval of the settlement of 1879, and although promising to "abide the mandate of the courts," emphatically declared that it would "not consent to re-open a settlement that was alike creditable to the State and fair to the holders of the bonds."[11] To some extent this attitude was due to resentment at the manner in which the state had been dragged into court, but chiefly, perhaps, to the popular misconception as to the character of the bonds in question. They were persistently represented as "carpet-bag" and "special tax" bonds, and the people generally confused them with the repudiated Reconstruction bonds. As a matter of fact, the state had never questioned the validity of the class of bonds held by the Schafer Brothers, and as Professor Hamilton says, "it is a question if it would not have been wise to pay the bonds without contesting the suit in order to make as sharp a distinction as possible between the two kinds of bonds."[12]

Governor Aycock refused to lend himself to the scheme to resist the decree of the Court. He believed that its jurisdiction "had been secured by chicanery" and thought its decision wrong and unjust; nevertheless, he held it to be the duty of the state to bow to the decree whether it was enforceable or not, and he recommended to the Legislature of 1905 not only the prompt payment of the judgment, but the settlement of the other outstanding bonds of the same issue. He thought that if the state

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[11] *Democratic Hand-Book*, 1904.

[12] *History*, 326.

offered to settle promptly without suit, it could redeem the bonds "at much less than their face value." The Legislature followed his advice and provided for a settlement, which was made by Governor Glenn, on a basis of 25 cents on the dollar, with interest—the same basis, in fact that the state had offered in 1879.[13]

A political turn was given to the South Dakota suit by the connection with it of Senator Butler and Governor Russell. Both were concerned in the scheme to use some state as a collecting agent, and both while representing North Carolina in official capacities accepted a retainer from the Schafer Brothers, who had acted upon Senator Butler's advice in donating the bonds to South Dakota. Their activities did not cease with the South Dakota suit. That suit had opened up vast possibilities to traffickers in repudiated state bonds. The southern states, because of their Reconstruction experiences, offered a rich field for plunder, and the harpies promptly gathered for the prey. A syndicate, organized in New York in 1905, composed of W. N. Coler & Co., R. F. Pettigrew, D. L. Russell, and Marion Butler, called public attention to the South Dakota decision and offered their services to holders of repudiated bonds, declaring that having "originated the plan" of collection, they alone were in a position to take advantage of it. They held themselves out as "now ready to proceed with the collection of all other repudiated bonds of every class, of each state."[14] Other syndicates with the same object in view entered the field. Following their organization, several states passed laws providing for the acceptance of donations of bonds; and between 1905 and 1916, holders of North Carolina bonds offered them not only to New York, Michigan, Rhode Island, Nevada, and Missouri, but also to Venezuela, Colombia, and Cuba. In every case, however, the offer was declined. Only one state, and no foreign country, was found willing to sell its good name to the speculators.

The people of North Carolina, Democrats and Republicans alike, condemned both Senator Butler and Governor Russell. Russell, however, soon ceased to be active in politics, but Senator Butler continued to aspire to leadership in the Republican party,

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[13] Glenn's Message to the Legislature of 1907—*Public Documents of 1905.*

[14] A copy of the advertisement may be found in Hamilton, *History*, 327.

and his party rivals made use of his connection with the South Dakota suit to undermine his influence. The Democrats of course seized upon it with avidity; "Butler, Boodle and Bonds," became one of their favorite party slogans.

Senator Butler vigorously defended his course.[15] In a speech in Raleigh, November 4, 1910, he went fully into the history of the South Dakota suit, pointed out the difference between the Schafer bonds and the Reconstruction bonds, demonstrated the obligation of the state to redeem the former at their face value, and maintained that since the case was not to be tried until after his term in the Senate expired, there was nothing wrong in his accepting the retainer. He gave an account of the Coler syndicate, asserted that before entering it he had stipulated that it should have nothing to do with any fraudulent Reconstruction bonds, and declared that when it violated this condition he withdrew, whereupon "the syndicate ceased operations and went out of existence." Later when another syndicate sought his services in a case involving the collection of the North Carolina "special tax" bonds, he emphatically declined, denounced that class of bonds as fraudulent and unconstitutional, and declared, "If an attempt is made to collect these bonds, I not only will not be employed, but I will oppose such an effort." Senator Butler, indeed, made out a strong case for himself, which satisfied his friends, but did not silence his enemies.

The Atlantic and North Carolina Railroad Conspiracy

While the South Dakota suit was pending an attempt by private individuals to seize the Atlantic and North Carolina Railroad brought on another conflict between the state and the Federal judiciary. Of the 18,000 shares of stock of the Atlantic and North Carolina Railroad Company, the state owned 12,666, while certain counties and individuals owned the balance. Before 1901 the stock had never been worth more than $30 a share. For many years the road had been a football of politics, and many persons were convinced that it could never be properly developed under public control. Efforts of Governor Russell to lease

[15] *Marion Butler's Raleigh Speech* (Second Edition), November 4, 1910.

in 1899 had failed, and in 1901 he recommended to the Legislature the sale of the state's stock.[16]

The affairs of the road were then in bad shape, but by 1904 the new management was able to show marked improvement. Stock which went begging at $25 a share in 1901, was "selling readily at $50" a share in 1904. In 1901, the best terms offered for a lease were 1½ per cent; in 1904, three offers were received, averaging more than 5 per cent, and Governor Aycock was seriously considering the acceptance of one of them. However, there was strenuous opposition, led by the *News and Observer*.

Among the bids was one for a ninety-nine year lease, filed February 6, 1904, by V. E. McBee, acting in behalf of unnamed principals. On February 18, Governor Aycock published the minimum terms which he would consider, and stated that he would hold the proposition open until February 27. These terms were somewhat higher than those offered by McBee. On February 23, therefore, McBee suddenly withdrew his bid, having determined to apply to Thomas R. Purnell, United States judge for the Eastern District of North Carolina, for a receivership, and then to hold out to the governor its dissolution as an inducement for a lease on his own terms. In order to produce the necessary non-resident stockholder, he summoned from New York an ally, K. S. Finch, for whom McBee had taken an option on forty-seven shares of stock at par. Finch gave his note for the full amount of the purchase price, $4,700, secured by the stock itself, which he left as collateral in the hands of the original owner. Thus not a penny passed and not a single share of stock was ever actually transferred to Finch! In the meantime, McBee's attorneys had already prepared Finch's bill in equity, alleging the mismanagement and insolvency of the road and asking for a receivership, and on February 24 filed it with Judge Purnell, who at the time was in Norfolk, Virginia. The judge was skeptical of his authority to act outside of his district, but McBee and his attorneys were so insistent upon immediate action that, as Judge Purnell afterwards confessed, he "finally yielded to their urgent request," and appointed McBee receiver. How-

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[16] For a fuller account of this controversy see Connor and Poe, *Life and Speeches of Charles B. Aycock*, 104-10.

ever, harassed by doubts of the legality of his action, upon his return to Raleigh he revoked his Norfolk order and signed a new one. In the meantime, McBee had hurried to the company's home office at New Bern, ejected the officials of the road, and taken over the state's property.

To say that these proceedings created a sensation is putting the case mildly. The state was outraged. Though representing the state, which owned two-thirds of the stock of the company, Governor Aycock had been left to learn of the receivership from the Raleigh *Morning Post,* a railroad organ, which published the story on February 25, a day earlier than any other paper. Amazed and indignant at Judge Purnell's action, the governor determined to resist it with the full power of the state. Investigation revealed the fact that Finch's name did not appear on the company's stock-book, and that not a single creditor or private stockholder had joined in the bill. That McBee's action was not in good faith, but was intended to force a lease on his own terms, was made plain through inspired editorials in the *Morning Post,* which notified the governor that a lease "would end the receivership in a jiffy."[17] But the governor was convinced that a conspiracy had been formed to despoil the state of its property, and he determined to crush it with a strong hand.

Aycock determined upon two courses—first, to appeal to the United States Circuit Court to vacate Judge Purnell's order, second, to institute proceedings in the state courts against McBee and Finch on a charge of criminal conspiracy. Accordingly, Attorney-General Gilmer filed a motion before Circuit Judge Charles H. Simonton, at Charleston, South Carolina, to vacate, and at the same time swore out a bench warrant before Chief Justice Walter Clark, of the state Supreme Court, charging McBee and Finch with a criminal conspiracy "to injure, damage and impoverish the property of the Atlantic and North Carolina Railroad Company." Judge Simonton set the hearing to vacate for March 17, and Judge Clark issued his warrant for the arrest of McBee and Finch, returnable before him on March 15. Finch was in New York but McBee was promptly arrested at New Bern and brought before Judge Clark at Raleigh for examination.

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[17] Editorial in issue of February 8, 1904.

The governor's action exploded like a bomb in the camp of the conspirators. The *Morning Post,* and other newspapers friendly to the railroads, assailed his course with great vigor, and many individuals joined in the clamor; while the *News and Observer,* and other papers friendly to the administration, were equally vigorous in his defense. The daring of the conspirators, the boldness of the governor, and the thundering of the press, created widespread excitement throughout the state. When McBee was brought before the chief justice, an immense crowd packed the courtroom. The presence of the governor, the attorney-general, and other high state officials, the eminence of the presiding justice, the reputation of the counsel on both sides, the importance of the interests involved, and the threatened clash between the state and Federal courts, all combined to make it one of the most dramatic judicial proceedings in the history of North Carolina.

McBee asked for ten days in which to prepare his defense; Judge Clark offered to give him seven hours. McBee declined the offer, and announced that he would waive examination and admit probable cause. The state, more eager to bring out the facts than to punish McBee, opposed the waiver, and the chief justice ordered counsel to proceed with the examination of witnesses. From its witnesses the state so clearly established the fact of a conspiracy, that McBee's attorneys threw up the sponge and agreed that the receivership must be dissolved. Judge Purnell, after reading the evidence, issued a public statement that he had been imposed upon and was "highly indignant." McBee and Finch were bound over to the Superior Court of Wake County under heavy bonds, and on March 30 were indicted for conspiracy by the grand jury. In the meantime, March 17, Judge Simonton had dissolved the receivership.

Thus far the state had been victorious, but the fight was not yet over. In May the conspirators, in the name of John P. Cuyler, a resident of New York, again applied to Judge Purnell for a receivership. Cuyler alleged that he owned thirty-seven shares of stock in the company, but the company's attorneys established the fact that he was only a dummy stockholder, and that the stock which he claimed to own had been voted for several

years in approval of the acts of which he complained in his bill. As Governor Aycock declared: "The difference between Finch's suit and Cuyler's was that Finch brought suit before he got control of any stock and Cuyler brought his after he lost control of it. They were both puppets in the hands of some man or some men seeking to despoil the State of her property."[18] Cuyler's bill was filed May 2. He urged immediate action, but Judge Purnell, with his recent humiliation in mind, refused, and set the hearing for May 28. After the hearing, he appointed Thomas D. Meares receiver, and the state was yet gasping with surprise at his action, when two days later he appointed McBee, then under indictment for criminal conspiracy, as co-receiver.

Again McBee hurried to New Bern and together with Meares again took charge of the road. However, his triumph was even briefer than before. On May 31, Chief Justice Fuller, of the Supreme Court of the United States, upon application of the officials of the road, granted a writ of *supersedeas* commanding that the order of the lower court "be stayed and suspended, and that the properties of the Atlantic and North Carolina Railroad Company be left in the hands of its officers until the further order of the United States Circuit Court of Appeals." Judge Purnell expressed "serious doubts" as to the validity of this order, but wisely decided not to resist it. McBee and Meares at New Bern were not so compliant; they refused to vacate and showed fight until shown a telegram from Governor Aycock to the superintendent of the road which read: "Put receivers out of office. If necessary call on sheriff to put them out. If military is needed notify me. Order of Chief Justice Fuller shall be obeyed." Thereupon the receivers ran up the white flag, and half an hour later the superintendent wired the governor, "We are in quiet possession of the road."

These experiences convinced Governor Aycock, as they did most thoughtful people, of the advisability of a lease, and in September, 1904, the governor leased the road to the Howland Improvement Company, upon terms advantageous to the state.

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[18] Message to the Legislature of 1905—*Public Documents.*

J. C. PRITCHARD

The Daniels Contempt Case

One would think that the railroad cases had furnished sensations enough for some time to come, yet the greatest was behind. Out of them came a struggle for that promised "freedom of thought, of criticism and of action" for the press that Bassett had but recently won for the lecture room.*

The *News and Observer* had been harshly critical of Judge Purnell's actions, but editorials in the issue of May 29, which contained the news of the Meares receivership, went far beyond anything previously published. Among other things the editor wrote: "The impeachment of an unworthy federal judge in the South would be as wholesome as a refreshing rain after a long drought." Stung to action, Judge Purnell cited Editor Josephus Daniels for contempt, fined him $1,000, and curtly denying an appeal on the ground that "the decision of this court is not reviewable," ordered him to jail "until the fine and costs are paid." Mr. Daniels, declaring that he would rot in jail before he would pay a penny, was "imprisoned" in room No. 28 of the Yarborough Hotel, while his attorneys hastened to apply to a higher court for a writ of *habeas corpus*. By this time the state was in a furore from one end to the other, while editors throughout the nation had taken up the cause of the freedom of the press. For the moment, North Carolina forgot McBee, Finch, and Cuyler; Josephus Daniels was the hero of the hour!

In the meantime, Judge Simonton had died, April 25, and two days later President Roosevelt appointed former United States Senator Jeter C. Pritchard, then on the Supreme Court of the District of Columbia, to succeed him. Judge Pritchard qualified June 1, and the next day, the attorneys for Mr. Daniels applied to him for a writ of *habeas corpus*. After hearing argument on June 3, Judge Pritchard discharged the prisoner. It was his first official act as judge of the Circuit Court, and it requires no great stretch of the imagination to feel sure that he fully appreciated the dramatic irony of the situation.

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* See *post*, 690-92.

The Passenger Rate Controversy

During the period under discussion the anti-railroad sentiment, which had long been simmering throughout the country, reached its climax and manifested itself in a "widespread crusade" for fare reduction, which involved several states, including North Carolina, in serious conflicts with the Federal authority. The movement was nation-wide in its sweep, affecting every section, except New England and the Far West. Among the grievances against the railroads were unreasonably high rates, discriminations and rebates, stock jobbing and watering, defiance of state regulatory laws, intermeddling, by fair means and foul, in state politics, control, through the appointment of railroad attorneys to the bench, of the Federal courts, and utter disregard of the rights of the public. To this list of grievances must be added the "public-be-damned" attitude of the railroads. Their policy of posting false bulletins as to the time of the arrival and departure of delayed trains; their refusal to hold trains for connections with trains of other lines; their cold and dirty stations and cars; and their thousand and one petty acts of inconsideration and discourtesy—all these things rankled in the minds of hundreds of suffering travelers whose sense of helplessness added bitterness to resentment. Many a person brought away from such experiences a determination to "get even" with the railroads at the first opportunity, and this feeling played a large part in the verdicts of juries and in the votes of legislators.[19]

The offenses were confined to no state or section, and were practiced by all the railroads, great and small. Most of the acts complained of, the state legislatures, of course, were unable to reach, but they could, within certain limitations, fix rates and fares. Accordingly, they seized first upon passenger rate reduction simply because it was the easiest and most vulnerable point of attack. Ohio and Virginia led off in 1906, and during the first three months of 1907, twenty-eight other states followed their example. The southern states which joined in the attack

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[19] D. A. Tompkins, "The Real Grievances Against the Railroads."—(*South Atlantic Quarterly*, vol. VI, No. 4, Oct. 1907, 317-22.)

were Virginia, Alabama, Arkansas, Georgia, Mississippi, Texas, South Carolina, Tennessee, and North Carolina.[20]

All of the offenses mentioned were practiced by the railroads of North Carolina, and there was scarcely a class of people, or an interest in the state that had not been affected injuriously in some way by them. Business men, otherwise favorably disposed toward the railroads, complained of unfair discrimination in freight rates and of poor service; newspapers denounced the railroad lobby that buzzed about the Capitol during sessions of the Legislature; lawyers charged that the railroads controlled the Federal courts; and everybody quarreled with their poor passenger service and discourteous treatment of travelers. Moreover, although the principal lines in North Carolina had been built chiefly by state aid, they had all passed by purchase or lease into the control of outside capitalists, who had often acquired them by methods which many people considered nothing less than the spoliation of the state of her property. Thus the field was fertile for cultivation, and there were able, ambitious, and aggressive politicians willing enough to put their hands to the plow.

In his message to the General Assembly of 1907, Governor Glenn urged consideration of these grievances. His recommendations included legislation to procure a "fair valuation" of railroad property for purposes of taxation; to reduce passenger rates to 2½ cents per mile; to prevent the "loss of time that the public suffers waiting for delayed trains;" and to assure safer and more efficient service. These measures he coupled with other measures for the protection of the railroads "when not in the wrong." The net result of his recommendations was an act fixing the intra-state passenger rate, except on very short, or new lines, at 2¼ cents per mile, to become effective July 1, 1907. The act provided that any railroad agent or official who violated its provisions should be guilty of a misdemeanor punishable by fine or imprisonment, or both; and it made any railroad company which sold tickets at a higher rate than 2¼ cents per mile liable to a penalty of $500 for each sale, recover-

[20] W. H. Glasson, "The Crusade Against the Railroads." (*South Atlantic Quarterly*, vol. VI, No. 2, April, 1907, 165-76.)

able by the aggrieved party in any court of competent jurisdiction.[21]

The railroads protested that a 2¼ cent rate was confiscatory, but Governor Glenn, who also thought it too low, urged them to give it a fair trial before seeking legal redress. Some of the companies agreed to do so, but others refused. On May 8 the Southern Railway Company procured from United States Circuit Judge Pritchard an order restraining officials of the state from enforcing the penalties against the company, or preferring indictments against its agents. At the preliminary hearing, June 26, without finding the rate confiscatory and without heeding the state's plea to the jurisdiction, Judge Pritchard continued the injunction to the final hearing in October and ordered the standing master to take evidence and report as to the confiscatory character of the rate.[22]

Accordingly after July 1, relying for defense upon this injunction, the Southern Railway continued to sell tickets at a higher rate than that fixed by the law. On July 9, Judge Benjamin F. Long, presiding over the criminal court of Wake County, charged the grand jury that if it found any railway company violating the criminal laws of the state it should return bills against it.[23] Taking this as his cue, Governor Glenn addressed a letter to all superior court judges asking them to follow Judge Long's example. Accordingly several railroad agents in various counties were indicted, convicted, and sentenced. The most famous of these cases arose in Judge Long's court in Wake County upon an indictment of the Southern Railway Company and its Raleigh agent. Among other points the defendant company pleaded the injunction of the United States Circuit Court as an adequate defence, but Judge Long held that a Federal court could not enjoin a state from enforcing its criminal laws, and proceeded with the trial. The jury found both the company and its agent guilty, and the judge pronounced sentence accordingly. He declared, however, that he would remit the penalties if the defendants would promise to refrain from future violations of

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[21] *Public Laws of 1907*, ch. 216.

[22] R. W. Winston, "The Passenger Rate War," (*South Atlantic Quarterly*, vol. VI, No. 4, October, 1907, 342-47.)

[23] *Published Opinions on Two Important Cases*, 3-12.

the rate law; this the agent readily agreed to do, but the company declined, was fined $30,000, and appealed to the Supreme Court. The Supreme Court, Justice Walker writing the opinion, sustained Judge Long's construction of the law as it applied to the railroad's agent, but overruled his action in imposing a fine on the company, holding that the Passenger Rate Act of 1907 made the company liable only for the penalty prescribed, to be recovered in a civil suit by the aggrieved party, but not subject to indictment.[24]

But this was by no means the most important phase of the case. During the trial at Raleigh, the Southern Railway Company applied to Judge Pritchard for a writ of *habeas corpus* for its agent, asking for his discharge from the custody of the sheriff "on the ground that he was protected by the injunctive order theretofore granted by the Circuit Court." Judge Pritchard hastened from Asheville to Raleigh to hear the application, but was forestalled by Judge Long, who took the defendant from the sheriff into his own custody. Thus a serious situation was created. If the United States marshal were now to serve his writ it must be upon a judge of the Superior Court of the sovereign state of North Carolina, who would certainly refuse to honor it. What the outcome would be in such an event nobody could foresee, nor was Judge Pritchard willing to make the experiment. The writ was not executed.

A similar move by the Southern Railway Company in other cases was more successful. Its agents in other counties, who had been convicted and sentenced in the state courts, were saved from punishment by Judge Pritchard, who, "not waiting for the defendants to appeal in the orderly way to the higher courts, again intervened, and by writ of *habeas corpus* discharged the defendants from the custody of the state's officers."

The governor now entered the contest, proclaiming his determination to uphold the authority of the state courts. His course of action raised a serious issue. Two of the men discharged by Judge Pritchard had been tried and convicted in the police court of the city of Asheville, and the railway attorneys urged Judge Pritchard to have the police judge cited for con-

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[24] *State v. Southern Railway Co.*, 145 N. C. 495.

tempt of the Federal court, whereupon Governor Glenn promptly announced that he would resist such action with the full power of the state. A conflict between the state and the Federal governments seemed imminent. "This court," declared Judge Pritchard, "is confronted with open and avowed opposition by the powers of the state."[25] The state, on the other hand, held that Judge Pritchard had exceeded his powers in attempting "to enjoin the institution or prosecution of criminal proceedings commenced in the state courts."

The conflict thus involved a far more serious question than railroad rates. As stated by Justice Walker in the Southern Railway case, on appeal from the Superior Court of Wake County:

> This in one respect is a case of supreme importance. It involves the right of the State to enforce its criminal laws without interference by the National Government or its courts. If the defendant is right in its contention, the authority or separate government of the State is a myth, and not, as we had supposed, a reality. . . . It is so serious a question and so far-reaching in its consequences, if the defendant be right in respect to it, that it cannot perhaps be too often decided against its present contention, if this is to remain a government of the people, by the people, and for the people, as originally contemplated by its framers, and the rights of the States are to be preserved unimpaired. If it is ever held, . . . that the Federal courts can virtually take charge of our State government by the process of injunction, the separate government of the States, as distinguished from that of the Federal Government, will be completely extinguished.[26]

The Supreme Court of the United States, however, in a similar case arising from Minnesota, took a different view of the law from that held by the North Carolina court;[27] and upon the appeal of the railroad company sustained Judge Pritchard in the Asheville case.[28]

During the conflict excitement in North Carolina rose to

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[25] "The Conflict of the Courts in North Carolina," *Current Literature*, September, 1907.

[26] *State v. Southern R. R. Co.*, 145 *N. C. Reports*, 495.

[27] *Ex Parte Young*, 209 *U. S. Reports*, 123, 167.

[28] *Hunter v. Wood*, *ibid*, 205.

fever heat, while the whole country stood on the tiptoe of expectation. Other states were involved in similar controversies, but in none of them did the situation become as acute as in North Carolina. The state's course was vigorously assailed, and as vigorously defended by the press of the country. Washington dispatches represented President Roosevelt as "hung up by the ears" by Judge Pritchard's procedure and "apprehensive and uneasy" as to the outcome. Certain metropolitan editors, sympathetic with the railroads, reminded the President of Andrew Jackson's "swift, stern, and effective" action against South Carolina's attempt at nullification, and urged him to follow suit.[29]

The President finally decided to take a hand, not, however, in Jacksonian style, nor even in true Rooseveltian manner, but in the interest of peace, in order "to avert the threatened clash between the Federal and state courts." At his request, Attorney-General Bonaparte directed Assistant Attorney-General E. T. Sanford to see the Southern Railway officials and try to arrange a compromise. In the meantime the panic of 1907 having brought "a financial crisis upon the country," the responsible authorities on both sides of the controversy became anxious for a settlement. Governor Glenn, therefore, made the railroads a proposal, based upon a 2½ cent rate, which they agreed to accept provided the other southern states would enter into a similar arrangement. Accordingly Governor Glenn brought the proposal to the attention of the governors of Georgia and Alabama, at a conference in Atlanta, November 2, and they agreed to recommend a similar settlement to the legislatures of their respective states. Later South Carolina and Tennessee entered into a similar agreement. On January 9, 1908, therefore, Governor Glenn called the Legislature of North Carolina to meet in special session, January 21, and submitted the settlement to it, with the recommendation that it be accepted as "both just and equitable to the State and to the railroads."[30] The General Assembly passed the necessary legislation and thus put an end to the controversy.

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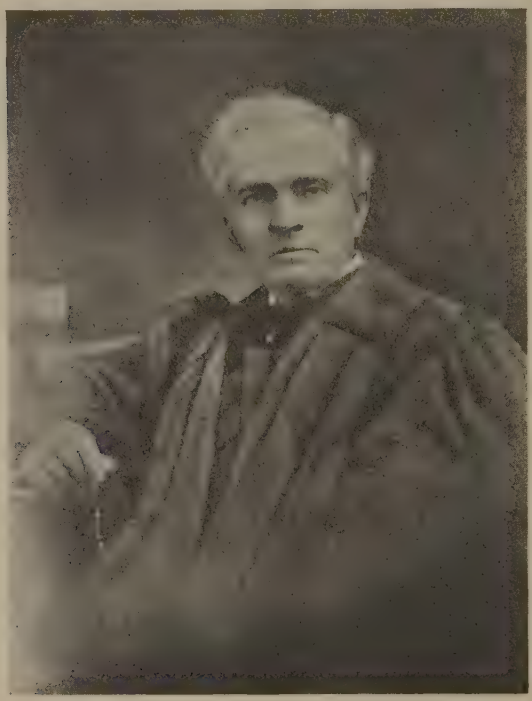
[29] For editorial comments see *Current Literature, op. cit.*

[30] *Public Documents*, 1909.

The New Federal Judiciary

Historically the legal questions involved in these controversies were less important than their political results. They gave vent to long pent-up feelings of resentment at the attitude of the Federal government toward the South; and like an after-



H. G. Connor

noon's thunder-storm on a summer's day cooled off the overheated atmosphere. Perhaps it is not too much to say that all the parties to the controversies came out of them a little ashamed of the violence displayed in dealing with such important public matters, and in a mood for amicable adjustments.

Such adjustments of the relations between the state and the

Federal government were hastened by changes which occurred in the personnel of the Federal judiciary in North Carolina, which brought it into more sympathetic relations to the people. On April 25, 1904, Judge Simonton of the United States Circuit Court for the Fourth Circuit, died at his home in Charleston, South Carolina, and President Roosevelt appointed former United States Senator Jeter C. Pritchard to the vacancy. After a long and serviceable career in the Senate, Pritchard had retired in 1903 with the respect of all classes of North Carolinians regardless of party, "even so stalwart and partisan an opponent as the *News and Observer* paying him a tribute as a broad-minded public servant."[31] He was at once appointed associate justice of the Supreme Court of the District of Columbia, where he served with ability and distinction. His appointment as United States circuit judge, therefore, was popular in North Carolina with Democrats as well as with Republicans, and his career on that bench was followed with pride by the people of the state regardless of political affiliations.

In December, 1908, Judge Purnell of the United States District Court for the Eastern District of North Carolina died, and President Taft, inaugurating his policy of disregarding politics in judicial appointments, selected as his successor Henry G. Connor, a lifelong Democrat and at the time an associate justice of the Supreme Court of North Carolina. Judge Connor qualified as Federal judge June 1, 1909. "Although not of the same political party as the President," says Ashe, "he was selected for this office by reason of his fine reputation as a jurist, and in conformity with President Taft's view that under the conditions at the South it was preferable to have on the Federal bench judges who were in close touch with the business men of the district. And it proved a most fortunate appointment, for Judge Connor, having the good-will, confidence and admiration of all classes in the district, brought the administration of justice in the Federal Court more in touch with the people than it had ever been."[32] Upon Judge Connor's death, November 23, 1924, President Coolidge appointed to the vacancy Isaac M. Meekins,

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[31] Hamilton, *History*, 341.
[32] *History*, II, 1240-41.

an able Republican lawyer of Elizabeth City. His appointment was entirely acceptable to the bar and the people of the district, and his administration of his court has been in accordance with the best traditions of the Federal bench.

Similar changes in the Western District brought about similar results. The health of Judge James E. Boyd, who had been judge in that district since 1900, was such that some relief from the burdens of his office was necessary, but Judge Boyd was unwilling to retire. Accordingly under an act of Congress authorizing the appointment of an additional judge in such a situation, President Wilson, in 1919, appointed E. Yates Webb, a Democrat, who had had a long service in Congress and had won distinction as chairman of the Judiciary Committee of the House of Representatives. The Western District was so large and its work so heavy that in 1928 Congress passed an act dividing it into the Middle District, of which Judge Webb became the presiding judge, and the Western District, with Johnson J. Hayes, an appointee of President Coolidge, as presiding judge. President Coolidge had already strengthened the Federal judiciary in the state by the appointment in 1925 of John J. Parker as circuit judge of the Fourth Circuit, embracing the states of North Carolina, Maryland, Virginia, West Virginia, and South Carolina.

None of the appointments discussed were made purely as political rewards. Nor was there any suggestion or suspicion of sinister influences behind them. Those selected were men of ability, legal learning, and irreproachable character. Moreover they were all citizens of North Carolina, who were desirous of rendering the highest form of public service to the state and the nation, and conducted their courts in such a manner as to restore the Federal judiciary to the respect and confidence of the people. No longer regarded as alien tribunals, they came to be thought of as the courts of the people quite as much as were the state courts.

CHAPTER XLV

THE DEMOCRATIC RÉGIME

As Aycock's administration drew to a close, it became apparent that recent victories had tended to weaken the solidarity of the Democratic party.[1] There was widespread opposition to many of Aycock's policies. The wet wing of the party was in revolt against the Watts law. The *News and Observer* was leading a vigorous fight against the lease of the Atlantic and North Carolina Railroad. Hostile critics were assailing Aycock's liberal attitude toward the negro, his use of troops to prevent mob violence, his advocacy of child labor legislation, his frequent use of the pardoning power, and most of all his educational policy. Certain newspapers were calling him the "Educational Governor" in derision and suggesting that it would be a blessing for North Carolina if the "Educational Governor" were stricken with lockjaw, while the leading candidate for the Democratic nomination for governor was assailing his well known views on negro education.

Moreover, charges were already going the rounds in Democratic circles of "machine control," "boss rule," "administration" and "organization" candidates. The "machine" was sup-

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[1] The secondary sources for this period of North Carolina history are exceedingly meager. The period is of too recent date to have attracted much attention from writers of history. To mention Ashe's *History of North Carolina*, II, chs. LXXIII-LXXIV, Hamilton's *History of North Carolina Since 1860*, ch. XV, and Ashe (editor), *Biographical History of North Carolina*, 8 vols, is to exhaust the list. Primary sources, except the newspapers, are not yet available. This chapter, therefore, is based primarily on the newspapers. As sources of political history, they leave much to be desired; the information they contain is chiefly that which the actors in the events described wished the public to know, and is necessarily of a partisan and biased character. One cannot find in them many of the material facts necessary for a definitive story and sound conclusions, and any story based chiefly upon them must necessarily be incomplete.

posed to head up in Senator Simmons. Mr. Simmons had been elected chairman of the Democratic state executive committee in 1892 and as a party leader had "developed a high order of administrative ability."[2] After his appointment by President Cleveland as collector of internal revenue, he resigned his chairmanship, but in the party crisis of 1898 was again called to that position. When elected to the United States Senate in 1901, he did not resign as chairman, and this fact gave his party rivals the basis for charging that he was seeking to build up a personal machine which, they said, "arrogantly and ignorantly boasts the power to kill and make alive."[3] From 1904 to 1924 every Democratic state campaign in North Carolina assumed the character of a contest between the "machine" and the "anti-machine" for party control. These contests involved much more than personal ambitions. The "machine" represented the conservative wing of the party—its enemies called it the reactionary wing; its opponents, on the other hand—whether led by Glenn in 1904, by Kitchin in 1908 and 1912, by Bickett in 1916, by Gardner and Page in 1920, or by Bailey in 1924—always posed in the rôle of progressives, or liberals, according to the political parlance of the day, and claimed to be waging the battle of "the people" against the "specially favored interests." Each of these revolts, therefore, insofar as it transcended purely personal interests, involved the future character of the Democratic party and hence of the government of the state of North Carolina. It is for this reason that the "Simmons machine," so-called, looms so large in the history of the period.

The Democratic Campaign of 1904

The Democratic campaign of 1904 opened early in the year. By the middle of January four gubernatorial candidates—W. D. Turner of Iredell, Theodore F. Davidson of Buncombe, Charles M. Stedman of Guilford, and Robert B. Glenn of Forsyth—were definitely in the field, but the contest soon narrowed down to a

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[2] Ashe, "Furnifold M. Simmons,"—*Biog. Hist. of N. C.*, VIII, 477.

[3] Josiah W. Bailey's *Announcement of Candidacy for Governor*, June 17, 1924.

fight between Stedman and Glenn. Stedman's chief asset was his record as a Confederate soldier, and his comrades of the sixties urged his nomination as their "last chance to have one of their number our Chief Magistrate."[4] Others dwelt upon his liberal views on the liquor problem, which was beginning to loom large as a political issue.[5] Furthermore, he was more in sympathy with Aycock's policies than Glenn and administration circles were supposed to look with a friendly eye upon his candidacy. Glenn, who played in the rôle of an "anti-organization"[6] candidate, challenged his opponents to a primary; championed the cause of organized labor; and struck a popular chord by opposing the use of the taxes paid by whites for the education of negroes.

The Democratic convention, which met at Greensboro, June 24, was typical of conventions of the majority party in the pre-primary days.[7] More than 5,000 delegates packed the convention hall. To an impartial observer they appeared to form the most enthusiastic, aggressive and belligerent convention in the history of the state. Their spirits were not dampened by the uncertainty and the seriousness which had to an extent sobered the convention of 1900, nor were they embittered by the factional strife which was to characterize the convention of 1908. The delegates had come to enjoy the fruits of their great victory of 1900 and were in a mood to give free play to their enthusiasms and loyalties. They were there to cheer and support their favorites, not to listen to oratory, and the orators fared badly at their hands. One man only would they hear. Aycock's policies, as has been said, were under fire, and with characteristic courage and conviction he had come to face his critics. His friends were apprehensive of the results, but their fears proved to be ill-founded. He caught the ears of the convention by his opening words, reduced the "unruly mob" to silence, and in a masterly

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[4] Letter of Henry A. London in *News and Observer*, April 1, 1904.

[5] Letter of W. P. Stradley in *News and Observer*, April 29, 1904.

[6] Pell, "Adolphus Hill Eller,"—*Biog. Hist. of N. C.*, VIII, 159.

[7] This account is based on the reports of the convention in the *News and Observer*, the Charlotte *Observer*, and the Greensboro *Industrial News*.

effort swept off its feet "one of the most turbulent conventions in North Carolina history." After reminding his audience of the party pledges of 1900, he reviewed the efforts of his administration to fulfill them and pointed out the results in the social and economic development of the state; and in a ringing peroration called upon the party to pledge itself to a still higher ideal for the future.[8]

Aycock's speech to the convention of 1904 was a fitting complement to his speech to the convention of 1900. In 1900 he dealt with promises, in 1904 he dealt with achievements and wrung from the delegates an endorsement of policies which many of them had come there to condemn. A resolution introduced from the floor to commit the Democratic party to the policy of dividing the school fund between the two races on a basis of what each paid "was overwhelmingly defeated,"[9] and the convention went definitely on record in "approval of the educational work of the present administration."

To experienced observers it was apparent from the beginning that the convention was a Glenn crowd. With fine disregard of consistency, it endorsed Aycock and nominated his chief critic to succeed him. On the first ballot, though Glenn's vote was short of a majority, he led Stedman, his nearest competitor, by 133 votes, and on the fifth ballot swept to an easy victory. For associate justices of the Supreme Court, the convention named George H. Brown by acclamation, and nominated William A. Hoke over Michael H. Justice.

The nominations had one sad and tragic significance. Before 1900 an aspirant for public office in North Carolina, as in other southern states, could advance no more effective claim to political preferment than an honorable record as a Confederate soldier. But the convention of 1904 passed over Stedman,

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[8] Aycock's speech is printed in Connor and Poe's *Life and Speeches of Charles B. Aycock*, 252-267. For a graphic account of the incident see "Charles Brantley Aycock" by Josephus Daniels in *North Carolina Historical Review*, vol. I, no. 3, pp. 262-265.

[9] See H. E. C. Bryant's account of this incident in *Charlotte Observer*, June 25, 1904.

Davidson, and Justice, all of whom were gallant followers of Lee, in favor of men who were scarcely out of the nursery when Lee surrendered.[10] A new generation, indeed, had come upon the political stage and with it had come new points of view, new qualifications, new purposes and objectives. The old commonwealth had been primarily a political institution; the new commonwealth was destined to be primarily a social institution.

The convention adopted a progressive platform. It declared the race problem settled, expressed "hearty approval" of Aycock's educational policies, endorsed the "general principles" of the Watts law but left the way open for necessary amendments, favored the Appalachian Forest Reserve, and pledged the party to a continuance of liberal provisions for the Confederate soldier and the "unfortunate classes." The convention also took notice of the South Dakota suit and of the receivership of the Atlantic and North Carolina Railroad. It expressed approval of the bond settlement of 1879, and while promising to "abide the mandate of the courts," took a decided stand against any attempt "from any quarter" to reopen the question; and it called upon Congress to enact a law "clearly defining the powers of Federal judges" in the appointment of receivers.

North Carolina Democrats faced a real dilemma when they came to solve the problem of a presidential candidate. Bryan's hold on the party, despite his two defeats, was unshaken, but he had voluntarily eliminated himself from consideration. The efforts of Hearst to corral the vote of the state had fallen flat. Parker's candidacy appealed to the anti-Bryan element, but that element could not muster votes enough to swing the convention. Accordingly the convention, after refusing to endorse Parker, decided to send an uninstructed delegation to the national convention. At St. Louis the vote of the state went to Parker, but his nomination excited no enthusiasm, and Josephus Daniels, national committeeman, in a signed editorial telegraphed from St. Louis to the *News and Observer,* after the receipt of Parker's

[10] See editorial comment in the *Charlotte Observer,* June 26, 1904.

famous telegram on the money issue, severely criticised his course in that matter.[11]

A "Lily White" Republican Party

Republican leaders, encouraged by the divisions in the Democratic ranks, and by the supposed popular discontent with Democratic policies, determined to put on an aggressive campaign. Chairman Rollins in his call for the Republican state convention sounded the keynote of the Republican campaign. He warned business men against the dangers of "Bryanism and Hearstism" and dangled before their eyes the blessings of the Republican twin policies of "sound money and protection"; he angled for the support of critics of Aycock's educational program with a promise of a reduction of "the present high and burdensome rate of taxation"; and he made a bid for the rural vote by denouncing the Watts law as "class legislation" which discriminated in favor of the city against the country.[12] Voters who might hold aloof from the Republican party from fear of the return of the negro to politics were to be reassured on that point; the "lily whites" were in control of the Republican organization and they let it be known that the negro was to be rigidly excluded from their party councils. Early in the campaign, therefore, Republican leaders announced that the party would nominate a complete state and congressional ticket and wage a campaign along the entire battle front.

These fine plans were wrecked by internal dissensions. Within the Republican party were two clear-cut and irreconcilable factions. One was composed of men who had no personal interest in holding office, who believed that the industrial development of North Carolina, in common with other sections of the country, would be forwarded by the economic policies of the Republican party, and who wished to build up a strong organization representative of the best citizenship of the state, which would attract and deserve the support of that class of men of whom it was said in 1896 and 1900 that they had "voted for

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[11] July 10, 1904.

[12] The call is printed in full in the *News and Observer*, March 31, 1904.

Bryan and prayed for McKinley." The other faction was composed of men whose primary interest was in the spoils of office, who had but one political aim—the holding of a Federal job—and who were Republicans because through that party alone could that aim be achieved. Prominent Republican leaders, both state and national, charged that members of this faction were opposed to the building up of a strong state organization because such an organization would break their grip on the control of Federal patronage. Senator Butler, who had joined the Republicans after 1900, declared that this faction actually wanted the party "to grow smaller," so that they might "have a small coterie of men calling themselves the Republican Party who would control and dish out the Federal patronage among themselves."[13] The Republican campaign of 1904, therefore, instead of being the promised battle against the Democracy, degenerated into a series of bitter contests between those two factions for control of the party organization which, unfortunately for the state, as well as for the Republican party, resulted in the triumph of the office-holding brigade.

Office-holders packed the county conventions, dominated the congressional conventions, and finally captured the state convention, which met at Greensboro, May 18.[14] The significance of their triumph was instantly sensed by lifelong Republicans whose loyalty to Republican principles none could question and whose views found expression in the scathing comments of Judge William P. Bynum Jr., an eminent member of the North Carolina bar and one of the most distinguished Republicans in the state.

The time has come [he said], in the tide of Republican politics in North Carolina when one of two things must be done; either the Federal office-holders must own, control and manage the affairs of the party absolutely, as they seem to be doing at

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[13] Quoted by Hamilton, *History*, 344.

[14] This account of the Republican convention is based on the same sources as the account of the Democratic convention. See note 10. I have relied not at all on editorials of Democratic papers, but entirely on news stories, Republican speeches, letters, and other documents emanating from Republican sources.

this convention, or they must abdicate and allow the party to be managed and its policies shaped by those whose political ties and principles are governed by other considerations than office-getting, greed, grab and graft. If the Federal office-holders continue in control, then no self-respecting man can or will be induced to take part in Republican politics in this State. If they are forced to abdicate, as should be done, then there is a future for the party. This may as well be said here and now. The party seems to be drifting without a leader or anyone who has the courage to speak above a whisper. Everything is subordinated to the chance of being a delegate or getting an office. The thoughtful, prudent people of North Carolina never will and never ought to consent to the management of the affairs of this great State by such an irresponsible cabal as now controls the affairs of the Republican party of this State.[15]

The administration at Washington had taken note of the situation in North Carolina and had sent secret service agents to the convention at Greensboro "to get the lay of the land." These agents were caustic in their criticisms of the conditions. "The truth of the situation is past belief, unless it had been actually witnessed," declared one of them, "and the scandal of it cannot be comprehended by those not on the spot." Judge Bynum, whose philippic was widely published throughout the nation, was summoned to the White House for a conference on the North Carolina situation. It was probably the reports of the secret service agents, supported by Judge Bynum's testimony, that induced the administration, two years later, to send Secretary of War William H. Taft to address the Republican state convention of 1906, in which he made his famous comments on southern Republicanism.

In line with the policy of making an especial appeal to business men, the Republicans in 1904 nominated for governor Charles J. Harris, a wealthy leather manufacturer of Jackson County, described by a press correspondent as "the perfect type of the alert business man."[16]. It was an excellent nomination, but coming as it did from a convention dominated by the office-

[15] His speech was reported in full in the *Charlotte Observer*, May 19, 1904.

[16] R. L. Gray in *News and Observer*, Sept. 23, 1904.

holders' combine, it failed to inspire confidence even in the class of men to whom it was especially addressed.

The Race Issue Again

The Democratic campaign was directed by State Chairman F. M. Simmons, the Republican campaign by State Chairman Thomas S. Rollins. The campaign itself was devoid of interest. Voters were apathetic and campaign managers found it difficult to arouse their enthusiasm. Chairman Simmons sought to stage a series of joint debates between the opposing candidates, but Chairman Rollins wisely and skilfully sidestepped his challenge. At first Democratic orators were somewhat handicapped by divisions in their own party over the questions of education and the regulation of the liquor traffic, and they eagerly seized the opportunity which their opponents stupidly afforded them of falling back on the race issue. The Republican platform had declared the race issue settled and the Republicans had excluded the negro from their conventions, but the Booker Washington White House luncheon, the Crum appointment, the posing of a negro boy hand-in-hand with a white girl before the national Republican convention, and the incorporation into the national Republican platform of the Crumpacker plank which demanded the enforcement of section 2 of the fourteenth amendment to the Federal Constitution, revived the issue and caused the negro once more to do yeoman service for Democratic campaign orators.

The one issue that gave the campaign significance was the liquor question. At the beginning, the Democrats were so badly divided on this subject that their convention did not dare to give the Watts law its unqualified endorsement, but the Republicans, with their usual ineptitude for interpreting public sentiment in North Carolina, saved the situation for them. The Republican platform denounced the Watts law "for its unjust and unfair discrimination in conferring rights and privileges upon the inhabitants of incorporated towns and cities which it denies to the citizens of the country" and definitely fixed the responsibility for it upon "the Democratic Legislature." The Democrats were

thus forced into a defense of the law, at first somewhat reluctantly, but as the campaign advanced they came to realize that the Republicans had once more given them a popular issue and they eagerly jumped at it. Thus the majority party definitely committed itself to a policy with regard to the liquor traffic which in another four years was to lead to statewide prohibition by popular vote.

The result of the election was never in doubt. During the campaign Candidate Glenn had a speaking appointment at Sylva, the home of Candidate Harris. The latter met his rival at the train and after pleading a previous engagement as his excuse for not being present at the speaking, said, "But I shall be present at the inauguration;" to which Candidate Glenn promptly replied, "I shall be very happy to entertain you."[17] Candidate Glenn proved to be a true prophet. He defeated his opponent by a vote of 128,761 to 79,505. As was to be expected there was a considerable falling off in the vote as compared with the vote of 1900; Glenn received 57,889 fewer votes than Aycock, Harris 46,791 fewer than Adams. The Democrats carried the Legislature by substantial majorities. The only fly in their ointment was the election of Blackburn to Congress from the eighth district; the other nine districts went Democratic. The candidacy of Judge Parker aroused no enthusiasm among the Democrats, and they gave him but perfunctory support. His vote in the state fell short of Glenn's by 4,540, while Roosevelt's vote exceeded Harris's by 4,937.

Parker's overwhelming defeat in the nation undoubtedly gave secret satisfaction to many North Carolina Democrats since it made Bryan's return to leadership inevitable. Bryan's followers were in complete control of the state Democratic convention of 1906, which met at Greensboro, July 3. Every mention of his name was greeted with "a perfect storm of applause." The only issue before the convention was whether it should merely "endorse" Bryan for President in 1908, or should "pledge" to him the support of the state, and the vote was overwhelmingly for the pledge.

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[17] *Ibid, loc. cit.*

Republican Office-Holders Refuse to Abdicate

The chief interest in state politics in 1906 centers in the fight within the Republican party for control of the organization. So bitter did the fight become that President Roosevelt felt called upon to take a hand. He sent his secretary of war, William H. Taft, to address a warning to the state Republican convention which met at Greensboro, July 9-10, and it was in this speech that Secretary Taft said:

> I do not wish to seem ungracious, but I must be candid. In my judgment the Republican Party in North Carolina would be much stronger as a voting party, if all the Federal offices were filled by Democrats. Of course I cannot deny that a wish to fill public office is an honorable aspiration, whether by appointment or by election, but when all hope of choice by the people is abandoned, and everything is given over to influencing a distant appointing power to choose particular men to perform official functions in a community politically hostile to those men, the result is not good for the men or the community. . . . As long, however, as the Republican Party in the Southern States shall represent little save a factional chase for Federal offices in which business men and men of substance in the community have no desire to enter and in the result of which they have no interest, we may expect the present political conditions in the South to continue.[18]

The warning of Candidate Taft fell upon closed ears, and in the face of it the convention to which it was addressed incorporated in its platform the following self-revealing resolution:

> That the State Executive Committee of the Republican Party be and is hereby instructed to assemble, and each and every member thereof, in Greensboro, North Carolina, on the first day of September, 1906, and on the first days of March and September in each and every year hereafter, and shall then and there before adjournment consider applications for appointment to all Federal offices in North Carolina, the terms of which shall expire in the next six months, and to recommend to the appointing power in each instance a suitable person for each position, except in such districts as are represented by a Republican Congressman. That no application shall be considered unless the

[18] *News and Observer*, July 10, 1906.

applicant shall state in his application that he will submit to the action and recommendation of the committee without further contest.[19]

Thus the Republican party in North Carolina specifically acknowledged itself to be an organization merely for the control of Federal patronage.

The historical significance of this development lies in the fact that the character which the conventions of 1904 and 1906 stamped upon the party continued to mark it throughout the period covered by this history. In 1904-1906 the Republicans of North Carolina, for a mess of Federal pottage, threw away the best chance their party ever had to lay the foundation of a strong party in a southern state. Their action meant that the realization of the hope of such Democratic spokesmen as Aycock, and of such Republican spokesmen as Pritchard and Bynum, that the elimination of the negro from politics "would result in a division of the white people of the state along proper lines and thus enable us to have the presence of two strong political parties," was to be deferred at least to another generation. Control of the Republican organization by, and in the interest of Federal office-holders, not only eliminated many able and patriotic Republicans from active participation in party management, but deprived the party of the support of that very business element to which it directed its chief appeal, and "alienated thousands of young men whose political affiliations were still to be formed" and who had no inherited or acquired prejudices against the Republican party as such;[20] such men, upon reaching their majority, almost uniformly, either refrained from political activity, or attached themselves to the Democratic party. In 1906, for instance, the Republicans elected only four state senators and sixteen representatives, and not a single congressman. Thenceforth the Republican party as a political organization ceased to play any real part in the development of the state; before 1928 it did not serve effectively even as an opposition party.

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[19] Hamilton, *History*, 345.
[20] *Ibid*, 343.

The Kitchin Revolt of 1908

The elections of 1904 and 1906 gave to the Democratic party assurance of a long lease of power, and destroyed its unity. Economic rather than political issues determined the line of division. On the one hand was the radical, or agrarian wing, on the other, the conservative, or industrial wing. During Glenn's administration the former was in the ascendant and wrote into the statute books of the state numerous acts which conservatives criticised as detrimental to business. Chief among them was the act of 1907 reducing railroad passenger rates to a point which conservatives declared would bankrupt the railroads. Certain railroads, as we have seen, obtained from Judge Pritchard an injunction against the enforcement of the law; Governor Glenn countered by calling upon state judges to instruct grand juries to indict railroad agents who sold tickets above the legal rate. A serious clash between the Federal and the state jurisdictions appeared unavoidable and wild excitement pervaded the state. The welkin rang, on the one hand, with denunciations by the radicals of the railroads for refusing to recognize the authority of the state, and, on the other, with denunciations by the conservatives of politicians for "playing with vast issues for their own political aggrandizement." The progressives loudly condemned the "illegal discriminations" in rates against North Carolina, the conservatives quite as loudly condemned the attempt to strangle the railroads with "ill-advised railway legislation."[21]

The contest had its political aspects. The radicals declared that the only way to break the control of the reactionary "machine," was through a primary law. Accordingly, they attempted to pass such a law in 1907, but the best they could do was to provide that when a primary was held it should be conducted "in accordance with the laws governing regular elections"; but this law was neither compulsory nor state-wide, for it specifically provided that there should be no primary "unless the executive committee or county convention of the party . . .

[21] New York *Sun* quoted in *Current Literature*, September, 1907, 246.

require a primary election to be held," and limited its operations to certain specified counties.[22]

The struggle between the two factions of the Democratic party was carried into the gubernatorial campaign of 1908, in which a three-cornered contest was waged for the Democratic nomination between Locke Craig, who had a long record of party service without party reward; William W. Kitchin, who had represented the fifth district in Congress since 1897; and Ashley Horne, a wealthy farmer and business man with an honorable record as a Confederate soldier. Craig ran as a conservative, seeking the support of the business interests, Kitchin as a radical, appealing to "the masses" on his anti-trust and anti-railroad record in Congress, and Horne as a simple "farmer-business" man promising a "business governor's" administration. Horne never had a chance and the campaign resolved itself into a bitter fight between Craig and Kitchin.

The real issue between them was the leadership of the Democratic party. By 1908, the "Simmons machine" was in control of the party organization. This control Kitchin was ambitious to break, and in his campaign for governor chose to play in the rôle of an anti-machine candidate. Craig had the support of Senator Simmons, ex-Governor Aycock, and Governor Glenn. These three, together with Craig, the Kitchin supporters derisively dubbed the "Big Four." In February, 1908, a Kitchin supporter published the statement that "certain designing persons" had conspired to defeat Kitchin for the nomination;[23] and a few weeks later, in a speech at Asheboro, Kitchin himself repeated the charge, saying "that leaders were necessary in every party and that he advised the people to follow a safe leader, but whenever a leader got to be a boss that it was better for the people and for the leader himself that the boss be dethroned."[24] Later in the campaign Kitchin charged that the program of the "Simmons-Aycock-Craig Combination" was to elect Craig governor in 1908, Simmons governor in 1912, and Aycock senator

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[22] *Public Laws of 1907*, ch. 926.

[23] S. F. Conrad in *News and Observer*, Feb. 22, 1908.

[24] *News and Observer*, March 19, 1908.

in 1912 to succeed Simmons.[25] All three of the men involved vigorously denounced the charge as without foundation. On the other hand, it was common belief that Kitchin's candidacy for governor was but the opening of his campaign to oppose Simmons for the Senate in 1912. Thus as the Kitchin-Craig campaign progressed it took on more and more the character of a revolt of the Kitchin wing of the party against the Simmons wing, and resolved itself in reality into a contest for leadership between Mr. Kitchin and Senator Simmons. So thickly did criminations and recriminations fly back and forth that the Democratic press felt it necessary to issue a protest. In an editorial entitled "November More Important Than June," the *News and Observer* on June 13, condemned the "bitter controversies" within the party, saying: "Today the only black cloud on the Democratic horizon is that growing out of contests for leadership and office."[26]

On June 24 the fight was carried into the convention which met in Charlotte. The immense crowd in attendance—probably the largest that ever attended a political convention in North Carolina—was evidence of the excitement the contest had aroused. A tone of anxiety ran through the proceedings; and pleas for peace and unity formed the keynote of the convention

[25] See Simmons' reply to this charge in the *News and Observer*, May 15, and Aycock's, in the issue of May 16. The charge was repeated by a Kitchin supporter, A. P. Godwin, in a letter in the *News and Observer*, June 5, in which he uses the phrase "Simmons-Aycock-Craig combination." See also letter of Senator Simmons to Cameron Morrison in the *News and Observer*, May 21, 1908.

[26] See editorials of similar import from the Greensboro *Telegram* and the Salisbury *Sun*, reprinted in the *News and Observer*, May 28. There was undoubtedly a great deal of resentment among the rank and file of Democrats at the bitterness stirred up in the party by the leaders of the Kitchin and Craig factions, and much of Horne's strength came from Democrats disgusted with the tactics of the two leading candidates. For instance Kitchin and Craig staged a joint debate at Charlotte on the evening of June 15, when the Democratic precinct meetings were being held in Mecklenburg County, and while Kitchin and Craig were excoriating each other before a large audience, the Horne forces were capturing the votes of the county. The votes in the precinct primaries were: Horne, 1928; Kitchin, 1205; Craig, 1145. *News and Observer*, June 20, 1908.

speeches. The nominating speeches were above the average, and one of them, that of Thomas W. Bickett in nomination of Horne, was of especial political importance for it won for him the nomination for attorney-general—for which office he was not a candidate—and thus started him on his distinguished career. The balloting for governor began about midnight of Wednesday, June 24, and continued until midnight of Saturday, June 27. The first ballot stood: Kitchin, 367; Craig, 333; Horne, 149; after which the roll of the counties was wearily called fifty-nine times with practically no change. On the sixtieth ballot the vote stood: Kitchin, 399; Craig, 323; Horne, 125. By this time it had become evident that neither the Kitchin nor the Craig forces would yield; Horne, therefore, withdrew, and on the sixty-first ballot Kitchin received 474 votes, Craig 382.

An aftermath of the gubernatorial contest was the fight over the resolution of instruction for Bryan for President, and the election of delegates to the national convention. Senator Simmons was opposed to an instructed delegation and the vote of his own county was cast against the resolution which, nevertheless, the convention adopted by an overwhelming vote.[27] Thereupon an "enthusiastic young friend," without consulting Senator Simmons, nominated him as one of the delegates-at-large. The nomination was followed by the "wildest scene ever witnessed in a North Carolina State Convention."[28] The Kitchin followers launched a vigorous attack on Simmons' record in the Senate; they charged that he was out of accord with his party, was opposed to Bryan, and, therefore, was "not a fit and suitable man to represent the Democracy of North Carolina at the Denver convention."[29] The suddenness and vigor of the attack produced one of the greatest sensations in the history of the Democratic party in North Carolina. Friends of Senator Simmons asserted that he had not desired to go to the convention as a

[27] The vote on the resolution of instruction was 523 to 194. The negative vote came chiefly from industrial and railroad centers. Both Craven, the home of Senator Simmons, and Iredell, the home of A. D. Watts, his secretary, voted against instruction.

[28] Charlotte *Observer*, June 28.

[29] Letter of C. O. McMichael in Charlotte *Observer*, June 29.

member of an instructed delegation, but after the attack on him they were compelled to call for a show-down. The nomination came late Saturday night, and the convention adjourned until Monday without taking a vote. By Monday advocates of peace and unity were in the ascendant, the opposition to Senator Simmons was withdrawn, and he was elected a delegate by an almost unanimous vote. His opponents afterward claimed, however, that his election was due solely to the "magnanimity" of Mr. Kitchin who took the position that "we must always be generous to our enemies when we have won a victory."[30]

Kitchin's victory over Craig was interpreted, even by friends of Senator Simmons, as marking the beginning of the end of the latter's leadership; "the nomination of Mr. Kitchin," commented the Charlotte *Observer*, which had vigorously supported Craig, "is looked upon as a defeat for the 'powers that were.' A new régime has been ushered in."[31] The "new régime" clinched its victory when on July 23, upon nomination of Kitchin's manager,[32] the state Democratic executive committee chose as state chairman, A. H. Eller, who had been one of Kitchin's "right-hand supporters."[33]

The Negro Divides the Republican Party

In 1908 the Republicans held two state conventions. They met first at Greensboro, April 30, to elect delegates to the national convention and under pressure from Washington swallowed their resentment at Mr. Taft on account of his speech of 1906 and instructed for him for President. A second convention was held at Charlotte, August 26, to nominate a state ticket. Grumblings in the industrial and commercial world at the radical tendencies of the state Democracy filled the Republican leaders with hope of a business man's revolt and inspired them, accordingly, to adopt a "business man's platform" and to nominate a "business man's governor." Their choice fell upon J. El-

[30] Confidential campaign letter of J. J. Laughinghouse, October 7, 1911.
[31] June 28, 1908.
[32] *News and Observer*, July 24.
[33] Pell, "Adolphus Hill Eller,"—*Biog. Hist.*, VII, 160.

wood Cox, a successful manufacturer and banker, and an ideal candidate for their purpose.

In this campaign the negro figured for the last time as a political factor in North Carolina, and curiously enough this time in the Republican party only, the Democrats looking on as interested spectators. The Republicans had rigidly excluded negroes from their county and district meetings as well as from their state convention, and as a result even hard-boiled Democratic reporters characterized the membership of the state convention as "of a first rate personnel."[34] However, a vigorous protest against this "lily white" policy was made by both white and colored Republicans, and the latter determined to appeal to the national Republican convention. Accordingly on May 12, they held at Raleigh a negro Republican convention with about 200 delegates in attendance.[35] Much the most significant act of the convention was its declaration of acceptance of "the restrictions recently placed upon the electors in this State." It then turned its guns upon the Republican organization, which it characterized as a mere "office-brokerage," and denounced it for excluding from the party negroes who were qualified to vote under the state Constitution. It chose delegates to the national convention who, together with delegates chosen by negro conventions in the first, second, and fourth districts, were instructed to contest the seats of the Taft delegates elected by the "lily white" Greensboro convention.

Thus the "lily white" movement took on a national aspect. Various national organizations of negroes took up the question in an effort to force the hands of the Republican national leaders, who, of course, had their eyes on the negro vote in doubtful northern and middle western states.[36] Involved in the contest were about one hundred Taft delegates representing the

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[34] Andrew Joyner in *News and Observer*, May 1, 1908.

[35] *Ibid*, May 1, and 13.

[36] Among the organizations that took up the question were the Afro-American Council, the Negro Independence Civil League, the Negro Suffrage Brotherhood of America, the New England Suffrage League, and the Boston Suffrage Society.—Washington, D. C., dispatch to *News and Observer*, May 6, 1908.

"lily white" conventions of North Carolina and certain other southern states. Mr. Taft's opponents espoused the cause of the contestants, insisting that "a convention upon its adoption of the 'Lily White' rule as its fundamental principle instantly ceased to be a Republican body; so that its delegates cannot for a moment be considered as entitled to seats in a national Republican convention to nominate a President."[37] But the Taft forces were in control, the negroes lost their case, and henceforth, abandoned by both parties, ceased to be a political factor in the South.

In North Carolina a Democratic victory, of course, was assured, but the party paid for its internal dissensions with greatly reduced majorities. Whereas Glenn's majority over Harris was 49,156, Kitchin's majority over Cox was only 37,342, while Bryan squeezed through by a bare 22,041 over Taft—the smallest majority the state gave a Democratic candidate from 1896 to 1924, inclusive. Bryan's total vote fell short of Kitchin's by 8,174, while Taft's vote exceeded Cox's by 7,127. But the most serious Democratic losses came in the congressional elections. Kitchin's own district went Republican for the first time since 1896, while the Republicans also captured the eighth and tenth districts.

The Simmons Triumph of 1912

It was of course thoroughly understood in the state that the Kitchin-Craig contest of 1908 was but the opening battle in Kitchin's campaign against the "Simmons machine." That struggle had definitely split the party into a "Kitchin wing" and a "Simmons wing," and both expected the senatorial campaign of 1912 to settle the question of supremacy. It would be a mistake to suppose that nothing more was involved in this struggle than the personal ambitions of the rival leaders. Kitchin represented the radical wing of the party, Simmons the conservative wing; the former thundered against "big business," protective tariffs, and government sudsidies of all sorts, and

[37] Letter of ex-Senator William E. Chandler of New Hampshire to the Republican National Committee, May 4, 1908.—*News and Observer*, May 5.

appealed for support to the agrarian interests of the state; the latter had no hostility to business because it was big, and favored such tariff duties, railroad and ship subsidies as would contribute to the industrial and commercial development of the country, and especially of the South, and appealed for support especially to those representing such interests. Personal ambitions of course played a tremendous part in the contest, but the real issue transcended persons, for it was nothing less than the character and future policy of the party that was to shape the destinies of North Carolina for many years to come.[38]

The rivalry of the two factions dominated Democratic politics in 1910, entering largely into the choice of candidates for county, congressional, and state offices. Kitchin, who had drawn first blood in 1908, received a set-back in 1910, when his former manager, James S. Manning, whom he had appointed to the Supreme Court, was defeated in the Democratic convention for the nomination to succeed himself by William R. Allen, who received the support of the "Simmons machine."

Then came the senatorial campaign of 1912 when the two principals took the field in person against each other. At first it appeared that the contest was going to be complicated by the candidacy of ex-Governor Aycock and Chief Justice Clark, but Governor Aycock died before the campaign was fairly under way and Judge Clark's candidacy never assumed serious proportions. Moreover, by general consent there was to be no contest for the Democratic nomination for the governorship, both factions agreeing to the selection of Craig. Thus the field was cleared for the fight to the finish between the Kitchin and the Simmons forces.

At the request of the candidates, the state Democratic executive committee ordered a primary to be held along with the general election in November. Governor Kitchin thereupon took the stump and from his opening speech, February 16, to elec-

[38] There is scarcely an issue of the leading dailies of the state during 1911 and 1912 that does not contain articles of all kinds bearing on this contest; no attempt, therefore, to cite particular articles, unless of special significance, has been made.

tion day, never once let up in his attacks on the record of his rival. High lights in the campaign were the death of Governor Aycock, April 4, just a week before the date fixed for his speech opening his campaign; the bitter fight in the state convention over the usual resolution endorsing the records of the state's senators and representatives in Congress; the resolute refusal of Senator Simmons to leave his seat in the Senate in order to engage Governor Kitchin in joint debate; Bryan's attack on Senator Simmons in the *Commoner;* and the efforts of the Kitchin forces, after the Baltimore convention, to drag Woodrow Wilson into the campaign—all of which the Simmons managers skilfully turned to the advantage of their candidate. They did not hesitate to defend his vote for the ocean mail subsidy, and especially his vote for the duty on lumber as necessary for the protection of an important North Carolina industry against the competition of its Canadian rivals.[39]

But the Simmons forces were not content to wage a defensive campaign; they carried the war into Africa with great vigor, not only attacking Kitchin's record in Congress, but also his administration as governor. Moreover, they claimed for their own candidate a long and impressive list of achievements in the Senate, and argued that with the coming into power of a Democratic administration his long service and experience would enable him to serve the state better than ever. They called attention to the fact that as the ranking Democrat on the senate finance committee, he would become its chairman, if the Democrats carried the country. The Kitchin supporters pooh-poohed the idea that the Democratic party would place in such a strategic position a man with Senator Simmons's record on railroad and ocean mail subsidies, and especially on the tariff. Mr. Simmons boldly accepted this challenge and in a speech in Charlotte, replying to the attacks on his record, declared dramatically that if he were not made chairman of the senate finance committee he would promptly resign his seat in the Senate.

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[39] Ashe, *History*, II, 1244-1245.

In the midst of the senatorial campaign the two parties held their state and national conventions. The state Democratic convention met at Raleigh June 6. Craig was nominated for governor by acclamation, and there were no contests for the other places on the state ticket. Interest in the senatorial fight overshadowed all other matters. The Kitchin forces created a sensation when they objected to the time-honored resolution in the report of the platform committee endorsing the record of the state's senators and representatives in Congress, and of the state administration. They insisted that as Senator Simmons's record was the issue between him and Governor Kitchin, the proposed resolution was nothing more than a scheme of the "Simmons machine," which "had organized the convention," to influence the decision of the voters in the primary, to which both had appealed. The fight was long and bitter, and resulted in the adoption of the resolution by a vote of 578 to 363,—an act which Governor Kitchin denounced as "an effort of politicians to forestall the people from inquiring into his [Senator Simmons's] record."[40] The Simmons forces undoubtedly had scored heavily; the resolution placed upon Governor Kitchin the onus of attacking the record of a Democratic senator whom the party had officially endorsed; and the vote in the convention foreshadowed the final result.

Another contest arose in the convention between the forces of Woodrow Wilson, Oscar Underwood, and Judson Harmon. Wilson's boyhood associations with North Carolina, his meteoric rise to political power, and his progressive views had aroused great enthusiasm among North Carolina progressives. When he spoke at the University commencement, May 30, 1911, Josephus Daniels, an ardent supporter, introduced him to the state as "a probable candidate for the Presidency,"[41] and from that time on he was the undoubted choice of the rank and file of the progressive Democrats in the state. The conservatives were divided between Underwood and Harmon. Although the

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[40] Kitchin's statement is printed in full in the *News and Observer*, June 9.

[41] *News and Observer*, June 2.

Wilson men controlled the convention they thought it wise "not to ask for instructions, but to offer and carry a resolution endorsing Wilson as the most available candidate."[42] His rivals asked simply that the convention make no pronouncement on the presidential question. After a sharp contest the Wilson men carried their point by a vote of 503 to 296.

This vote fairly represented the strength of the candidates. At the Baltimore convention on the early ballots the vote of the delegation was divided as follows: Wilson 16½, Underwood 5, Harmon 2½. After Harmon dropped out and the contest narrowed down to Wilson and Clark, the Underwood men "agreed to give the solid vote to Wilson at any time North Carolina's vote could nominate the Jersey governor."[43] On the forty-sixth ballot Underwood's nomination was withdrawn and thereafter North Carolina's twenty-four votes were cast for Wilson.

The only interest North Carolina took in the Republican campaign was speculation as to the effect of the Progressive movement on the national election. North Carolina Republicans had neither forgotten nor forgiven Mr. Taft's speech of 1906; and they bitterly, and quite naturally, resented his appointment of a Democrat to succeed Judge Purnell in the eastern district. It was easy, therefore, for Roosevelt's followers to capture the state Republican convention and to put through it resolutions condemning Mr. Taft's course. Consequently a large majority of the state Republicans willingly followed Roosevelt into the Progressive party. The regulars nominated Thomas Settle, an ardent and eloquent opponent of prohibition, for governor, the Progressives nominated Iredell Meares, and thus a party already in the minority was reduced to a nonentity. Public interest was stirred by Roosevelt's campaign speeches in the state, but it was interest in the man, not in the candidate. Settle, a lifelong Republican both by inheritance and by conviction, made an old-fashioned Republican campaign; Meares, a lifelong Democrat, made what had now become the customary appeal of the minority party to the business interests, urging business men

[42] *News and Observer*, June 8, 1912.

[43] Josephus Daniels in the *News and Observer*, July 7, 1912.

THOMAS W. BICKETT

to follow his example and cast off their traditional allegiance to the Democracy, to "Mix Brains with Ballots,"[44] and to support the party whose policies would contribute most to the industrial and commercial development of the state. His appeal of course fell flat.

The absence of any real opposition to the Democratic ticket in the state robbed the gubernatorial and presidential elections of all interest, and left the Kitchin-Simmons contest to hold the center of the stage throughout the campaign. That Craig and Wilson would carry the state was, of course, a foregone conclusion; the former won by a majority of 56,420 over the combined votes of his two opponents, the latter by a majority of 46,238. The vote in the senatorial primary was: Simmons, 84,687, Kitchin 47,010, Clark 16,418. The Simmons victory was not unexpected, but its crushing force astounded friends and foes alike. While a dozen factors contributed to the result, they cannot obscure the fact that the vote was in reality a popular repudiation of radicalism and strife and an expression "of confidence in the Senator and satisfaction with his record."[45]

In 1916 the candidates for the Democratic nomination for governor were Lieutenant-Governor E. L. Daughtridge and Attorney-General Thomas W. Bickett. It was the first contest held under the state-wide primary law of 1915 and for that reason alone has some historical interest. Waged under the shadow of approaching war, it found candidates and voters alike in a serious if not a chastened mood, and developed none of the bitterness that had characterized the campaigns of 1908 and 1912. Neither candidate seemed disposed to make the "machine" an issue and despite rumors early in the campaign that it favored Daughtridge, so far as the evidence now available is concerned, it does not appear to have figured in the result. Bickett won handily by a vote of 63,121 to 37,017 and in the election in November defeated Frank A. Linney, the Republican candidate, by a vote of 167,761 to 120,157.

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[44] Campaign document so entitled.

[45] Ashe, *History*, II, 1245.

North Carolina in the World War

During the World War, 1917-1918, politics were forced into the background. In his message to the Legislature of 1921, Governor Bickett gave the following contemporary estimate of the place of the World War in the history of North Carolina:

> Lest we forget, I write it down in this last chapter and certify to all the generations that the one stupendous, immortal thing connected with this administration is the part North Carolina played in the World War. Everything done in the field of taxation, of education, of agriculture, of mercy to the fallen, of the physical and social regeneration of our people—all of it is but "a snowflake on the river" in the gigantic and glorified presence of the eighty thousand men who plunged into the blood-red tide of war.[46]

While no tribute is too great to pay to the men and women "who plunged into the blood-red tide of war," and did their duty with a spirit of high sacrifice worthy of the best traditions of the commonwealth, it is doubtful if history will confirm the governor's estimate of the importance of the war in the history of North Carolina. The war, of course, made an instant appeal to the imagination of adventurous young Americans, thousands of whom, before their own country was drawn into it, entered the service of one or the other warring powers. France naturally was their favorite, and the French Foreign Legion and the Escadrille Lafayette were filled with American boys eager to emulate the deeds of Lafayette and Rochambeau. Among them were several North Carolinians, some of whom won distinction and sacrificed their lives. But these men were not typical of their countrymen. The war was alien to the spirit and the interests of the average American, who looked upon it in its early stages as simply another one of that long series of European wars from which America was happily isolated. At least so he had been taught, and it mattered nothing in his think-

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[46] *Public Letters and Papers of Thomas Walter Bickett, Governor of North Carolina, 1917-1921*, 76 (Compiled by Sanford Martin, edited by R. B. House).

ing that the history of his own country stamped that teaching as utterly false. He was content, therefore, to accept the President's injunction of strict neutrality, and while he speculated with academic detachment on the issues involved, he did not feel that otherwise than as it affected his business the war really concerned him.

North Carolinians thrilled with pride at the exploits of Paul and Kiffin Rockwell, James McConnell, Arthur Bluethenthal, and James Baugham, but few felt impelled to follow their example. Before 1917, they were far more interested in their problems of taxation, industry, education, roads, and rural conditions than in the war; and so far as North Carolina as a state is concerned, the World War, instead of being "the one stupendous, immortal thing" of Bickett's administration, was important chiefly, first as an interruption, and later as a stimulus to that program of manifold expansion of the state's internal life which was fairly under way before the Germans sunk the *Lusitania*.

After the United States entered the war, North Carolina did her full duty to the nation. At the very center of world affairs, as ambassador to the Court of St. James, was Walter Hines Page, who was acutely aware of the significance of the struggle and strove manfully to make his own country understand it as he did. Josephus Daniels, as secretary of the navy, notwithstanding the continuous abuse and misrepresentation of a partisan press, quietly and effectively directed the preparation of an arm of the service without which the American army would have been helpless. In Congress, too, North Carolinians held strategic positions. Senator Simmons was chairman of the Senate Finance Committee and Senator Overman was chairman of the Senate Rules Committee and acting chairman of the Senate Judiciary Committee. In the House, Claude Kitchin was majority leader and for a time chairman of the Committee on Ways and Means; E. W. Pou was chairman of the Rules Committee and E. Yates Webb of the House Judiciary Committee. Much war legislation was steered through Congress by these men, but the history of their activities is of national rather than state interest.

As the nation moved into war, the people of North Carolina quietly and confidently accepted the leadership of the President and the governor. They were a homogeneous people, and the fact that less than one per cent of them were of foreign birth saved North Carolina from many of the perplexing problems that hindered the war activities of other states. No disloyalty and no frenzy marred their record as they girded themselves for their task.

Much of the state's fine war record can be traced to the leadership of Governor Bickett. He threw himself into the work of organizing and directing the war activities of the state with a zeal and an ability that quickly won the confidence of the people. His proclamations and addresses, touching every phase of the war—comparable in spirit and common sense to those of Vance in the sixties—made a profound impression on the state. In the organization of registration and draft boards and of other war agencies he displayed a liberal spirit, a sound judgment, and an executive ability of a high order.[47]

To all the demands of the war, whether for men or money, North Carolina responded beyond her quotas. On May 21, in compliance with the orders of the War Department, Governor Bickett called for 5,100 volunteers for the National Guard and within thirty days more than enough men had responded to recruit the various units up to their full strength of 8,500 men. As head of the registration machinery of the state, the governor organized a registration board in every county and in every town with 30,000 people. The personnel of these boards numbered 4,000 men, only seven of whom demanded compensation for their services. On June 5, 1917, were registered all men from twenty-one to thirty-one years of age, inclusive, and on September 12, 1918, all, not already registered, from eighteen to forty-five, inclusive. The total number registered in North Carolina was 480,491—337,986 whites, 142,505 negroes.

North Carolina sent 86,457 men—66,106 whites, 20,351 negroes—into the military and naval service of the nation. Of

[47] *Letters and Papers of Thomas Walter Bickett, op. cit., passim.*

these, 7,787 went into the navy, 586 into the marines. There were also in the service as nurses 195 North Carolina women. The state's losses in the war were: 629 killed in action, 204 died of wounds, 1,542 died of disease. Those wounded who recovered numbered 3,655. One North Carolina soldier, Robert L. Blackwell, received the Congressional Medal of Honor, and 214 others were awarded either the Distinguished Service Cross or the Distinguished Service Medal.[48]

The fact that the units of the National Army, unlike those of the Federal and Confederate armies in the Civil War, were not organized along state lines, makes it difficult to follow the history of the troops of any particular state during the World War. North Carolinians were trained in every military camp, served on every ship, and fought on every battlefield on the Western Front, but not in distinctive North Carolina units. In the early organization of the National Army, the Thirtieth, or "Old Hickory," Division and the Eighty-first, or "Wildcat," Division were composed of men from North Carolina, South Carolina, and Tennessee. Brig. Gen. Lawrence D. Tyson, of Tennessee, a native of North Carolina, commanded the Fifty-ninth Brigade, and Brig. Gen. Samson L. Faison, a North Carolina West Pointer, the Sixtieth Brigade, which together composed the Thirtieth Division. Brig. Gen. George W. McIver, also a North Carolina West Pointer, commanded the One Hundred and Sixty-first Brigade of the Eighty-first Division. Both these divisions saw hard fighting in France. The Thirtieth, operating with the British army in Belgium, won the distinction of breaking the Hindenburg Line[49] and the Eighty-first bore an important part in the Meuse-Argonne offensive. The highest ranking North Carolinan in the army was Maj. Gen. Edwin F. Glenn, who commanded the Eighty-third Division. To the navy, North Carolina furnished Rear Admirals Victor Blue, Thomas

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[48] For a list of the men awarded these medals see *North Carolina Day Program for 1921*, 29-67.

[49] "The Breaking of the Hindenburg Line at the St. Quentin Canal." By Brigadier General L. D. Tyson. *Proceedings of the State Literary and Historical Association*, 1919, 43-60.

Washington, Archibald H. Scales, Andrew T. Long, and Edwin A. Anderson, all of whom made notable records.

Behind the lines, in striking contrast with the situation during the Civil War, the entire civilian population—men and women alike—was thoroughly organized for war work. Chief among the organization that had to do with the economic phases of the war were the Liberty Loan Committee, of which Joseph G. Brown was chairman; the War Savings Stamps Committee, under the direction of Francis H. Fries; the Food Administration, under Henry A. Page; the Fuel Administration, under the direction of A. W. McAllister and Robert C. Norfleet; and the Council of Defense, with D. H. Hill as chairman. North Carolina subscribed for Liberty Loans and War Savings Stamps $160,000,000, or $10,000,000 more than her quotas. For the other organizations figures have not been compiled to show the volume of services which the people of the state rendered through them. It is accurate to say, however, that no call was made on them for men, money, food, fuel, or labor to which they did not respond.

Services of a different kind were rendered by the American Red Cross, the Y. M. C. A., and the Knights of Columbus. To their support the people of the state contributed $3,000,000. The Red Cross was the chief organization through which women made their contributions to the war. It enrolled in the state 250,000 members and manufactured 2,500,000 surgical dressings and other hospital supplies. At strategic points along the main railroad lines it established canteens for the service of soldiers passing to and from the great training camps in the South. The Raleigh Chapter, for instance, served 255,000 passing soldiers. Similar services were rendered the soldiers in Camp Greene at Charlotte and Camp Polk at Raleigh. But the Red Cross did not confine its attentions to soldiers. In October, 1918, an epidemic of influenza broke out which in three months caused 9,686 deaths in the state; and in this crisis the Red Cross performed prodigies of service.

The conduct of these war time activities was an exhibition of community organization and cooperation such as the people

of North Carolina had never before dreamed of. Most of the organizations disappeared with the close of the war, but the lessons they had taught remained to become permanent possessions of the people. The Red Cross is the most conspicuous example of the organizations that continued in existence. As it exists today in the state it is a direct outgrowth of the war time organization. So, too, out of the experiences of those times came numerous other cooperative civic agencies. The time has not yet come for an estimate of the effects of the war on the social life of the people.

A Red Cross Chapter on the Job

The Senator

His victory of 1912 had entrenched Senator Simmons more firmly than ever in the leadership of the state Democracy. Subsequent events completely vindicated the campaign claims of his supporters. His elevation to the chairmanship of the Senate Finance Committee and his position as Democratic leader in the Senate during the Wilson administrations added immensely to his prestige in the state, and he became to his friends and foes alike simply "The Senator." Other ambitious men who, like Kitchin, believed that he blocked their way to political preferment, essayed to overthrow his leadership, but the task that proved too great for Kitchin in 1912 proved too great for Gardner and Page in 1920 and for Bailey in 1924.

In the campaigns of 1920 and 1924 the "machine" once more did yeoman service for political aspirants. The contestants in the Democratic gubernatorial primary of 1920 were Cameron Morrison, the avowed choice of the "machine," and O. Max Gardner and Robert N. Page, running as "anti-machine" candidates. Next to the question of "machine control," the chief political issue in the campaign was woman suffrage. The "machine" opposed, Gardner favored the proposed nineteenth amendment to the Federal Constitution; the latter was thought to have scored, therefore, when the state Democratic convention recommended that the proposed amendment be ratified by the next Legislature. Despite this official declaration of his party, Morrison redoubled his attacks on the amendment; his manager flooded the state with circulars containing the injunction, "Those who favor woman's suffrage vote for Gardner, those who are opposed to woman's suffrage vote for Morrison,"[50] and with this slogan turned the tide which apparently had been setting toward Gardner. In the first primary Page was eliminated and Morrison led Gardner by 87 votes in a total of 98,053; in the run-off Morrison was victorious by a vote of 70,332 to 61,073. Gardner had made "machine control" the issue, and lost. In November Morrison defeated his Republican opponent, John J. Parker, by a vote of 308,151 to 230,175.

The period covered by this history drew to its close with Josiah W. Bailey, formerly closely identified with the Simmons wing of the party, contesting the Democratic nomination with Angus W. McLean. Bailey thundered against "machine control" as one of the major issues of the campaign,[51] but thundered in vain. Like Kitchin and Gardner before him he went down in defeat before the man who, he declared, had been selected by the "Simmons machine" as Morrison's successor. McLean's vote was 151,197, Bailey's 83,574. In the general election McLean rolled up over I. M. Meekins the largest majority ever obtained by a candidate for office in North Carolina, 108,814 in a total vote of 480,068.

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[50] *News and Observer*, June 29, 1920.

[51] Campaign document entitled *The Issues of the Campaign.*

It is not possible, with the evidence now available, to determine just how far the attacks on the "machine" were justified by the facts; it is certain, however, that in every campaign within the Democratic party from 1908 to 1924 (except possibly that of 1916) the "machine" was made the main issue by its opponents; the results, accordingly, may fairly be interpreted to a large extent as "machine" victories. The Democrats of North Carolina steadfastly refused to depose the man who, in 1898, had taken command of a thoroughly demoralized and discouraged party, reorganized it, revived its spirit, and led it to a spectacular victory; who had steered it successfully through the great campaign of 1900 and had laid its foundations on a firm basis. From 1898 to 1924, tested by its majorities, the Democratic party sank to its lowest fortunes in 1908 when the leadership had temporarily been wrested from him; it elected its candidate for governor by the smallest majority obtained in any gubernatorial election during these years, and lost three congressional districts. After 1908 its majorities steadily mounted until they reached the unprecedented figures of 1924, and from 1910 to 1924 the state's delegations in Congress were solidly Democratic. During the years in which these results were accomplished, according to the testimony of his political enemies, "The Senator" was in control of the party. As late as 1928, Mr. Josephus Daniels, himself a party leader with no mean following, characterized "The Senator" as "the most influential political leader in the State."[52] Of course nobody would think of crediting the success of the Democratic party to "The Senator" alone, or to any other man; but as it is certain that he and his "machine" would have been charged with responsibility for party failure, it is hard to see how they can be denied at least the lion's share of credit for party success.

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[52] Interview in the Boston *Transcript*, reprinted in the *News and Observer*, March 24, 1928.

CHAPTER XLVI

THE DAWN OF A NEW ERA

With the ratification of the suffrage amendment a new era dawned in North Carolina.[1] The vote of August 2, 1900, meant that the people of the state were determined to relegate the issues of the past to the keeping of history and to set themselves resolutely to the tasks of the future. "The current of progress checked by the negro vote," as Professor Hamilton says, "was once more set in motion and the state was ready to go forward to a new day."[2] This new day had been clearly foreseen by the advocates of the amendment, who had predicted that rest from political bitterness and race antagonism would result from its adoption; that freedom of thought, of criticism and of action in politics would follow; that public questions would stand or fall in the court of reason and not of passion; that lawlessness would decrease and "the law everywhere reign supreme;" that industry would have a great outburst and that commerce would increase; and that universal education would multiply many times

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[1] Important secondary sources for the phase of North Carolina history treated in this chapter are: Ashe, *History of North Carolina*, vol. II; Ashe (editor), *Biographical History of North Carolina*, 8 vols.; Hamilton, *History of North Carolina Since 1860;* Connor and Poe, *Life and Speeches of Charles B. Aycock;* Cotten, *History of the North Carolina Federation of Women's Clubs* (Raleigh, 1925); Jenkins, J. W., *James B. Duke, Master Builder* (New York, 1927); *North Carolina Manual* (published biennially, 1903-1927, Raleigh). Besides newspapers, session laws, public documents, and official reports of the several state departments, the chief primary sources are: Jones (editor), *Public Letters and Papers of Locke Craig* (Raleigh, 1916) and *Memoirs and Speeches of Locke Craig* (Asheville, 1923); Martin (compiler) and House (editor), *Public Letters and Papers of Thomas Walter Bickett* (Raleigh, 1923); Richardson (compiler) and Corbitt (editor), *Public Letters and Papers of Cameron Morrison* (Raleigh, 1927); Durham, *Plan of Reorganization of State Departments, Boards and Commissions* (Raleigh, 1923).

[2] *History*, 313.

the effective power of the state.[3] Thus Aycock prophesied the coming of "a new and freer day," and the fulfillment of his prophecy gives to the history of the new era its chief significance.

The New Commonwealth

The Old Commonwealth which went to pieces in the maelstrom of Civil War and its aftermath was primarily a political institution; the New Commonwealth of the twentieth century is primarily a social institution. Between 1900 and 1925 one notes a decided shifting of public interest from political to social and economic problems. Attendance at political gatherings declined rapidly; non-voting became a serious problem; and the newspapers began to give the news of social and economic events first-page positions. Numerous professional, business, and social organizations sprang up and grew rapidly. In 1902, the *North Carolina Year Book* listed only twenty-nine such organizations; in 1925 it listed seventy-seven and the enumeration was by no means complete. In this list were represented not only all professional and business interests in the state, but women's clubs, patriotic, literary and historical societies, forestry and good roads associations, social service conferences, anti-saloon leagues, and a variety of fraternal and religious organizations. Besides these state-wide organizations, every town and city had its book club, its chamber of commerce, its Rotarians, Kiwanians, Civitans, and Lions. Not an interest in the social and economic life of the state was permitted to escape the attention of the professional organizer.

Much the most significant phase of this movement was the development of women's organizations. Breaking away from the restraints of southern tradition, which had long bounded them on the north by the cook-stove, on the east by the dairy, on the west by the sewing machine, and on the south by the cradle, women boldly stepped forth to explore every field of social endeavor. The politically minded banded together in a

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[3] Aycock's *Inaugural Address* (Connor and Poe's *Aycock*, 228-246).

League of Women Voters; the historically inclined in the Colonial Dames, The Daughters of the Revolution, the Daughters of the American Revolution, the United Daughters of the Confederacy; the socially interested in the Red Cross, the Association for the Betterment of Public Schoolhouses and Grounds, the Parent-Teacher Association, the Social Service Conference, the Business Women's Association, and the Home Demonstration Club; while still others sought to gratify their literary instincts through library associations, the Literary and Historical Association, Folk Lore Society, and dozens of local book clubs. Some idea of the extent and rapidity of the development of women's organizations in the state may be obtained from a study of the State Federation of Women's Clubs. Organized in 1902 with seven clubs and approximately 150 members, in 1925 it embraced 304 clubs having an aggregate membership of 14,507; if to this number be added the enrollment of affiliated organizations, the total membership of the Federation mounted to the impressive count of 28,921.[4]

The various interests reflected in these private organizations found expression also in the work of state and local government. During the period under discussion the chief activities of the state were concerned with problems of education, public charities and welfare, transportation, race relations, health, temperance, the development of natural resources, and public finance. To carry on these activities the Legislature not only provided liberally for the expansion of the state agencies already in existence in 1900, but created numerous new departments, boards, commissions, and institutions to meet the growing public interests. In 1923 there were in existence sixty-six state administrative agencies and twenty-eight state educational, charitable, and correctional institutions. Twelve of the administrative agencies, including those required by the Constitution, and seventeen of the institutions were established before 1900; of the remaining agencies fifty, and of the institutions, eleven, were estab-

[4] Cotten, *History of the North Carolina Federation of Women's Clubs*, ch. II; *Year Book, North Carolina Federation of Women's Clubs*, 1926-1927, 126-144.

lished from 1901 to 1923, inclusive. The character of their work is sufficiently indicated by their names; of the former may be mentioned the Board of Pensions and the Child Welfare Commission; the Text-Book Commission and the Board of Vocational Education; the Historical Commission and the Library Commission; the Budget Commission, the Geological and Economic Survey, the Fisheries Commission, the Audubon Society, and the Highway Commission. Among the new institutions were three teacher-training schools,—the East Carolina Teacher's College, the Cullowhee Normal School, and the Appalachian Normal School; three correctional institutions,—the Stonewall Jackson Training School for delinquent white boys, the Morrison Training School for delinquent negro boys, and the State Industrial School for delinquent white girls; and four charitable institutions—the Caswell Training School for Imbeciles, the Confederate Woman's Home, the North Carolina Orthopædic Hospital, and the State Sanatorium for the Treatment of Tuberculosis.[5] During the same period there was a corresponding development of similar activities through county organizations; in 1926 fifty-nine of the one hundred counties employed superintendents of public welfare.[6]

The story of education, public charities and welfare, transportation, and economic development will be told in other chapters; this chapter will deal with the other activities—all of which were expressive of the new conception of the state as the social agent of its people.

Race Relations

Perhaps the most important social problem which North Carolina faced at the dawn of the new century was the future of the negro and his relations to the whites. The Democrats had just come into power as the result of a political revolution which had arrayed the two races against each other in fearful

[5] Durham, *Plan of Reorganization, op. cit., passim; North Carolina Manual for 1927, passim.*

[6] *North Carolina Manual for 1927,* 149.

antagonism and deeply stirred the elemental passions of both. A vast body of the people of the state, embracing at least a third of the total population, had been deprived of any voice in its government; a sense of wrong and injustice smoldered in their breasts; and there was every prospect that they would become here, as their fellows under similar circumstances had become in the states farther south, a solid mass of discontent, resentment, and ignorance which would be a source of perpetual lawlessness and danger to the community. To prevent this result and as far as possible to reconcile the negro to the situation, it was necessary to convince him that while he would not be permitted to govern, nevertheless his every other right and interest would be the better protected and held the more sacred. Unfortunately there was a strong element in the Democratic party not yet ready to yield so much, while the Republican party lost interest in the negro with the loss of his vote. The situation, therefore, called for courage, wisdom, patience and charity; to check the passions of the whites and allay the apprehensions of the blacks was a task for real leadership.

Aycock and some other Democratic leaders were anxious to show that their opposition to the political activities of the negro did not extend to his social and economic interests. One of the finest passages in Aycock's Inaugural Address is that in which he assured the negroes that his administration would not be unfriendly to them. "Their every right under the Constitution," he declared, "shall be absolutely preserved."[7] Four years later Governor Glenn gave a like assurance. "The grave responsibility of this dependent race," he declared in his Inaugural Address, "and caring for its people is on us."[8] No difficulty was met in carrying out this policy so far as it related to negro mental and physical defectives. Between 1901 and 1925, the state's annual expenditures for these purposes were increased from $115,336.15 to $409,972.72. The Legislature at its special session of 1920 authorized the governor to appoint a commission "to investigate and make report of what the state

[7] Connor and Poe, *op. cit., loc. cit.*

[8] *Inaugural Address*, Jan. 11, 1905, 10.

ought to do to better the physical, moral and mental status of the negroes of the state"; and in 1921 this commission recommended "the establishment of a sanatorium for the treatment of negroes affected with tuberculosis, a reformatory for delinquent negro boys (and) a larger and more liberal system of teacher-training for negroes;" and Governor Bickett endorsed the program as "supported by both Christianity and common sense."[9] In 1925 the Legislature partially carried these recommendations into effect by the establishment of the Morrison Training School for "delinquent negro boys under sixteen years of age."[10]

However, opposition did spring up to the policy of negro education. When Aycock declared in favor of "universal education," he meant exactly what the term implies; he included in it the education of the negro as well as the whites; and among the negro's rights which he was determined to preserve was his right to a public school education. Although the Constitution required that the two races should be taught in separate schools, it declared also that there should be no discrimination in favor of or to the prejudice of either race; and Aycock took his stand in demanding the strict enforcement of this constitutional mandate.

Besides its social and economic phases, negro education possessed a political phase which prejudiced many people against it. It was difficult for the average politician to understand why an educational test for suffrage had been adopted primarily to exclude negroes from the ballot if the state intended to educate them so they might qualify under it. The opponents of negro education demanded, therefore, that the Constitution be so amended as to permit the distribution of the school fund to each race on a basis of what each paid, and introduced bills into the Legislature of 1901 providing for the submission to the electorate of such an amendment.

Against this policy Aycock took a firm stand. To members of the Legislature, who consulted him on the question, he

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[9] *Message to the Legislature of 1921 (Public Letters and Papers, op. cit.,* 75).

[10] *North Carolina Manual for 1927,* 267-268.

declared that he would regard the passage of such a bill as a violation of his campaign pledges and of the plighted faith of the Democratic party; and he went so far as to say privately to intimate friends that in such an event he would resign his office and retire to private life. His decided stand, and the opposition to the measure of the House and Senate committees on education before which the bills were pending, prevented their coming to a vote in 1901. However, the issue would not down, and in the summer of 1902 several Democratic county conventions, among them the convention of Aycock's home county, declared in favor of such a policy. But the Democratic state convention which met in July refused to include the proposal in its platform and Aycock interpreted its action as an endorsement of his stand. The most powerful passage in his message to the Legislature of 1903 was devoted to a discussion of this subject. His determined stand settled its fate. Refused consideration in 1901, defeated in 1903, the measure reappeared in 1905 only to be smothered by an overwhelming opposition, after which it disappeared as a debatable question in North Carolina.[11]

In his Budget Message of 1927, Governor McLean expressed the prevailing sentiment of the state on the problem of negro education when he said, "In our scheme of education . . . we cannot afford to neglect the interests of our colored citizens, who constitute a considerable part of our population. On account of their peculiar social and economic status and their dependence upon us, they must be regarded as special objects of our generous care and solicitude."[12] Between 1901 and 1925, the total annual expenditures for the public education of negroes rose from less than $300,000 to more than $3,600,000. During the decade, 1917-1927, the state through bond issues put into permanent improvements at its educational, charitable and correctional institutions for negroes, more than $3,000,000. The recommendation of the commission of 1920 of a larger and more liberal system of teacher-training for negroes also received legislative sanction. In 1925 the state was spending for this pur-

[11] Connor and Poe, *op. cit.*, 129-136.
[12] *The Budget for 1927-1929*, 17-18.

pose annually $518,530 and was supporting the Negro Agricultural and Technical College of North Carolina at Greensboro, and normal schools for negroes at Fayetteville, Elizabeth City, and Winston-Salem, with property valued at $2,405,659.[13]

It would be impossible to overestimate the influence of the attitude of the whites toward the negroes which these facts indicate, in allaying the apprehensions of the latter and laying the foundations for the peaceful relations which ordinarily existed between the two races in North Carolina during the first quarter of the twentieth century.

The War on King Mob

One of the most serious and difficult phases of the race problem was mob violence. It is unnecessary here to discuss the reasons for the long reign of King Mob in the South, or to explain why many otherwise law-abiding men were led either to condone, or but weakly to condemn his rule. Whether right or wrong they had persuaded themselves that it was the only way in which the criminal instincts of the negro, which they believed had been stimulated by the exercise of political power, could be curbed, and one of the reasons they urged for his disfranchisement was that it would lessen crime and hasten the reign of law. This line of reasoning, of course, was based on the assumption that the negro race alone furnished the victims, and the rape of white women the cause of lynchings. Neither assumption, however, was true. Of the 2,585 persons lynched in the southern states from 1882 to 1903, 567 were white, while among the causes of lynchings, rape ranked third for white men, and second for negroes, murder ranking first for both.[14]

From 1882 to 1900, North Carolina, with 48 lynchings and 59 victims, had the smallest number of lynchings of any of the former Confederate States. But the race passions aroused by the conflicts of 1898 and 1900 were not easily controlled, nor quickly

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[13] *The Budget for 1927-29*. 73.

[14] Cutler, *Lynch Law*, ch. VI. See also Kilgo, *An Inquiry Regarding Lynching (South Atlantic Quarterly*, I, 1), and Glasson, *The Statistics of Lynching (ibid*, V. 4).

subdued. It is difficult to imagine a more depressing feeling than that which comes over one while turning the pages of a North Carolina daily newspaper during these years and reading the stories of the crimes of violence and passion which fill its columns. Many of those crimes never found their way into the records of the courts, and yet the report of the attorney-general shows that from July 1, 1900, to July 1, 1902, the courts of North Carolina tried 6,936 cases involving such crimes, among which were included 191 trials for murder and 88 for rape or assault with intent to commit rape.

During Aycock's administration nine persons were lynched in North Carolina and on fifteen different occasions he was compelled to call out state troops to prevent lynchings. Burglary was responsible for one of the mobs, rape for four, and murder for ten. In two cases the mob's intended victims had already been tried, convicted and sentenced to be hanged, and in two other cases the victims were lynched after the withdrawal of troops. Twice during his administration Aycock's requisitions on governors of other states for fugitives from justice were held up "because of the assertion that the prisoners, if returned to this State, would be lynched."[15]

Unfortunately public sentiment in North Carolina furnished too much justification for this charge. Aycock was widely and bitterly criticised for his use of troops to prevent mob violence and to bring lynchers to justice, and on one occasion, although he offered rewards totaling $30,000 for the capture of lynchers, not a single arrest was made. On August 25, 1902, a coroner's jury in Wayne, the governor's own county, rendered the following verdict over the body of a negro rapist, who had been lynched:

> We the undersigned, empanelled as a jury to inquire into the cause of the death of Tom Jones, find that he came to his death by gun shot wounds, inflicted by parties unknown to the jury, obviously by an outraged public acting in defence of their homes, wives, daughters and children. In view of the enormity of the crime committed by said Tom Jones, alias Frank Hill, we

[15] *Message to the Legislature of 1903 (Pub. Doc.*, no. 1, 38-41).

think they would have been recreant to their duty as good citizens had they acted otherwise.[16]

Commenting editorially on the verdict, the *News and Observer*, while vigorously condemning the lynching, expressed the opinion that the verdict would be "approved by very many of the best citizens" of the state, and added: "The sentiment in favor of lynching for rape is so strong it seems that no official or journalistic effort to end lynching has availed to check it."[17]

In his Inaugural Address Governor Glenn declared that during his administration "every effort will be made to discourage mob law, and lynching will never be permitted if it is possible for the strong arm of the law, with all the powers at its command, to prevent it;" and assured the people of the state that "certain and swift punishment" would be meted out to all law violators.[18] As if in challenge of his sincerity, a mob at the first opportunity after his warning, August 28, 1905, took from the Craven County jail a negro charged with rape and lynched him. A day or two of excitement; a few editorial condemnations; a farcical verdict by a coroner's jury of "death at the hands of parties unknown"— and the incident passed into oblivion. Apparently the new governor's solemn utterance was but the parrot-like repetition of the stereotyped formula to which all incoming governors felt obliged to subscribe—with mental reservations!

Exactly eight months to a day passed; on the night of May 28, 1906, seventy-five masked men broke into the Anson County jail, took therefrom a white man charged with murder, hung him to a tree, and returned leisurely to their homes. But somehow a cog had slipped; a member of the mob, too drunk to go home, lingered near the scene of his exploit, was recognized and reported to the authorities. Instantly the machinery of the law began to function. The crime galvanized the governor into action and the governor galvanized the local officials. No hoary formula of "death at the hands of unknown parties" would now

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[16] *News and Observer*, Aug. 27, 1902.

[17] *Ibid, loc. cit.*

[18] *Public Documents for 1905*, 14.

serve; the parties were known and local officials could do nothing less than arrest twenty-two of them. "Events that followed," wrote a journalist who was on the ground, "were such as to make the countryside near Wadesboro wonder what the world was coming to. Prominent citizen after prominent citizen was arrested. Prosecuting officials, taking their cue from the governor's office, showed novel zeal. A judge presiding over Anson County court granted a removal of the case to a county where the defendants had no overpowering influence. There was a great deal of trouble on all accounts—lawyers' fees, time lost, trials, contentions, bitterness. It began to be said that it was a pity the prisoner had been lynched at all. In the end, no lynchers went to the penitentiary, but the cost of the night's work mounted to a pretty sum."[19] Although the governor's promised "certain and swift punishment" did not follow the crime, the Anson County case may well be considered the turning point in the war on King Mob in North Carolina for it was "the first formal recognition of lynching as a crime in terms of a vigorous effort to prosecute and convict those guilty of its commission."[20]

Lynchers had been indicted; could they be convicted? The answer to this question came swiftly upon the heels of the Anson County case. On July 15 a particularly brutal murder, which shocked the whole state, was perpetrated near Salisbury. Five negroes were arrested and hurried away to the Mecklenburg County jail for safekeeping. Governor Glenn promptly commissioned Judge B. F. Long to hold a special term of court at Salisbury to try the accused and ordered out a company of the National Guard for their protection. On the night of August 6, although the court had already convened, a mob, variously estimated at from 2500 to 3500, overpowered the militia, who had been ordered by the sheriff not to fire, dynamited the Salisbury jail, and lynched three of the prisoners. From Manteo to Murphy an outraged public sentiment called in no uncertain terms

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[19] Gray, R. L., *Winning the War on Lynching (World's Work,* September, 1925, 508-511).

[20] *Ibid, loc. cit.*

for "certain and swift punishment" of the lynchers, and Judge Long rose to the occasion. "This court will not adjourn," he announced, "until this matter is investigated." The determined attitude of the judge brought results. One Hall was promptly arrested, indicted, tried, and convicted. The lynching occurred on Monday night; on the following Friday, Hall heard himself sentenced to fifteen years at hard labor in the state penitentiary. "God Almighty reigns and the law is still supreme," was Judge Long's comment, and the whole state fervently echoed the sentiment.[21] At last the public was in revolt against King Mob!

The two incidents described did not, of course, put an end to lynch law in North Carolina, but they did put a damper on the mob spirit. The year 1907 passed without a lynching; North Carolina had not previously "escaped the phenomenon in any year since the Civil War."[22] There was one lynching in 1908, but 1909, 1911, 1915, and 1917 were "lynchless years." Then came 1918-1921, inclusive, with another outbreak of the mob spirit and its toll of thirteen victims, to be followed by three years without a lynching.

In 1925 came the Needleman case, in which the law again scored heavily. A Martin County mob took from the jail one Needleman, a white man, accused of rape, horribly mutilated him, and left him in the woods to die. However, he recovered and was able to identify several of his assailants. State and county officials struck hard and swiftly. Within six weeks after their crime, twenty-four members of the mob had pleaded guilty, five others had been convicted by a jury, and all were resting under sentences ranging from a fine of $500 to thirty years imprisonment.

But the chief thing that took the joy out of lynching parties in North Carolina was armed troops with orders to uphold the law at all hazards.[23] Aycock called out troops for this purpose

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[21] Long, Benjamin F., *Published Opinions on Two Important Cases*, 13-16.

[22] Gray, *op. cit.*

[23] This account of the use of troops for the protection of prisoners is based entirely on the messages of the governors and the reports of the adjutant-generals, 1901-1925.

fifteen times, Glenn three times, Kitchin twice, Craig four times, Bickett five times to protect prisoners and once to control a strike situation, and Morrison thirteen times to prevent lynchings and five times to deal with strikes. Before 1917, however, troops were not always effective because local officials were reluctant to order them to fire upon their fellow citizens; accordingly they were sometimes given blank cartridges, or ordered to fire over the heads of mobs, or as in the Salisbury case were not allowed to fire at all; mobs knowing these things often treated the presence of troops as a solemn joke. Then came the World War; civilian soldiers learned what real military discipline is, and caught a new conception of military duty. On July 19, 1920, Capt. Marion B. Fowler, a World War veteran, commanding the Machine Gun Company, First North Carolina Infantry, of Durham, was guarding the Alamance County jail at Graham for the protection of three negroes charged with assault on a white woman. A mob, in an ugly mood, hung about the jail all day, threatening, taunting, insulting the guardsmen. After dark some of its members charged upon a sentinel, yelling at him, "Get out the way, you d—n s—n of a b—t—h, with your blanks!", and opened fire. Governor Bickett had instructed Captain Fowler "to protect the prisoners at all hazards, and to shoot straight if necessary;" and Captain Fowler, fresh from the battlefields of France, had ordered his men "to fire if fired upon or if any one tried to storm the jail." The troops, therefore, opened fire on the charging mob, killed one man and wounded two others. The mob broke and fled, and the law triumphed.[24] There was of course much resentment locally at the "precipitate action" of the troops, but public sentiment sustained the governor and applauded Captain Fowler and his men. Lynching parties were becoming dangerous pastimes in North Carolina.

Before 1921 governors had always waited for requests for troops from the local authorities before taking action. During the first month of his administration, Governor Morrison received a request for troops to prevent a lynching, but not until

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[24] Captain Fowler's official report of the incident may be found in the *Annual Report of the Adjutant General for 1919-1920*, 9-11.

the victims were already in the hands of the mob; he dispatched the troops promptly, but of course they arrived too late. Thereupon he announced a new policy; in the future he would send troops to threatened points upon his own initiative without waiting for requests from local officials.[25] "I don't believe in sending soldiers to a funeral," was his characteristic comment. This policy he resolutely followed, in some cases to prevent lynchings, in others to prevent rioting in connection with strikes, but always with conspicuous success. The adjutant-general, in his report for 1922, stated that during that year "about sixty officers and one thousand men were called out in State service," which he believed to be "the greatest number of organizations and individuals that have ever been employed on State service in peace times."[26] Governor Morrison, of course, was not without his critics, but more than one mob, brought face to face with armed soldiers who had been in the Argonne, or who had charged the Hindenburg Line, wavered and abandoned its purpose; public sentiment as a rule was with the governor, and during the eight years that followed the announcement of his policy, North Carolina had no informal executions.

The Temperance Movement

The temperance movement in the South was, to a large extent, a phase of the negro problem. The presence of the negro, his weakness for strong drink, his unreliability as a laborer and his tendency to crimes of violence when under its influence, converted thousands of white men to prohibition as a policy who did not believe in it as a principle; and the elimination of the negro vote opened the way for the attack on the liquor traffic through political action. But this was only one of its many phases. The temperance movement in the South was a phase of that larger movement which embraced not only race relations, but also the problems of rural life, and of universal

[25] See W. H. Richardson's *No More Lynchings: How North Carolina Has Solved the Problem (Review of Reviews*, April, 1924).

[26] *Annual Report for 1921-22*, 7.

education. Religious, moral, and economic factors were of course involved, but they were not the significant factors in the movement in the South. Its full explanation must be sought rather in the isolation of southern rural communities and the resultant "feeling of insecurity" against lawlessness, which "had become a contagion among the country women"; in the presence of a race of "child-people" who must be "thought for in government and protected from the perils of liberty"; in the millions of ignorant whites who had not sufficiently learned "by education and opportunity" "to reckon their social responsibility, and to resist the elemental impulse to lawlessness, when racial antipathies are aroused." As the necessity of thinking *for* the negro in government was the "moral basis of the disfranchisement movement," so the necessity of protecting him against "the perils of liberty" was "pronounced in the prohibition movement." So, too, the recognition by the South of the "obligation of a Democracy to make law minister" to the social development of its people must be carefully considered "in the interpretation of the prohibition policy."[27]

No "prohibition wave" ever swept over the South; prohibition was the result of a slow and painful evolution. Originating as a temperance movement merely, it advanced step by step, through restrictive license laws, high license, judicial constructions unfavorable to the rights of liquor, and local option, to its ultimate goal. It was by local option, which began in the South in the eighties, that "the land was steadily possessed. Prohibition incorporated itself in community after community, in county after county—till the common social sense covered the state and spoke as the voice of the state."[28] By 1907, of the 994 counties in the eleven former Confederate States, 825 were dry through local option, and by this time temperance had definitely given way to prohibition as the "main objective" of the movement.

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[27] White, John E., *Temperance Reform in the South (The South in the Building of the Nation,* X, 567-581).

[28] *Ibid, loc. cit.*

The movement in North Carolina followed along the same general lines as elsewhere in the South.[29] In 1865 a society calling itself "The Friends of Temperance," was organized at Petersburg, Virginia, and gradually extended its membership into the neighboring states. By 1877 it had 290 chapters in North Carolina, and had adopted as its organ, *The Spirit of the Age,* which had recently been founded at Raleigh. The society mustered enough strength to "thrust the question of prohibition upon the State" and induce the Legislature of 1881 to order a referendum on the subject. The outcome of the election plainly demonstrated that the effort was premature; the "Friends of Temperance" were too weak, the liquor forces too strong, and public sentiment too favorable to the liquor traffic; prohibition was snowed under by a vote of 166,325 to 48,370.[30] This defeat put both "The Friends of Temperance" and *The Spirit of the Age* out of business.

During the next twenty years, except for the Woman's Christian Temperance Union, which was not strong enough to do more than "keep the fires burning," the temperance forces in the state were unorganized. The defeat of 1881 had discredited the idea of state-wide prohibition and Democratic leaders discouraged the continued agitation of the question for fear of the division it would certainly produce among the whites. The temperance forces, therefore, devoted their efforts during the two decades from 1881 to 1901 to "sentiment building." In 1900 the ratification of the suffrage amendment removed the chief obstacle in their way, while the policy of universal education gave a decided impulse to their movement. Sensing the fact that the liquor traffic had become unpopular, and no longer apprehensive of "negro rule," the Democratic leaders seized upon prohibition as a promising party issue, and proclaimed

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[29] For an excellent unpublished *Sketch of the History of the Temperance and Anti-Saloon Forces in North Carolina,* upon which this account is largely based, I am indebted to Judge Heriot Clarkson, who was president of the North Carolina Anti-Saloon League during the prohibition campaign of 1908.

[30] *North Carolina Manual for 1913,* 1019-1020.

that the revival of the movement "followed appropriately the adoption of that constitutional amendment, which we promised should free the hands of the people of North Carolina." "Freed from the incubus of the negro vote," they declared, the white people could now safely address themselves "to the treatment of the drink problem."[31] In 1904 Governor Aycock pointed out the bearing of prohibition in rural sections on universal education. "We have entered," he said, "upon an educational awakening in this State which is seeking not only to open the door of the schoolhouse to every child, but to persuade and influence every child to enter that schoolhouse. There are men who have seen such a school flourish in a town close by a barroom or a still, but no man has ever yet seen a school grow up and prosper by the side of a whiskey still or a barroom in the country."[32]

Outlawing the Saloon

After 1900, therefore, conditions seemed ripe for a renewal of the war on the liquor traffic. By aggressive campaigning in local option elections the temperance forces placed most of the towns of the state in the dry column, and induced hundreds of rural churches, schools, and cross-roads settlements to seek acts of incorporation from the Legislature to enable them to follow suit. The Legislature of 1901 alone incorporated over nine hundred such places. In 1902, with the organization of the North Carolina Anti-Saloon League, the temperance movement entered upon a new and more aggressive phase. The first effort of the league was to drive liquor out of unpoliced rural communities. Under the leadership of Josiah W. Bailey, chairman of its executive committee, the league put through the Legislature of 1903 the Watts Law, which forbade the liquor traffic except in incorporated towns and provided a more effective plan of local option. Certain old and famous distilleries located in rural communities temporarily escaped destruction by procuring acts of incorpora-

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[31] *Democratic Hand-Book for 1904*, 57, 65.

[32] Speech before the Democratic State Convention of 1904 in Connor and Poe, *op. cit.*, 261-262.

tion from the Legislature, but two years later they, too, were put out of business by the Ward Law, which extended the principle of the Watts Law to all communities except incorporated places of at least one thousand inhabitants. The Ward Law drove the liquor traffic out of all but eighty of the 328 incorporated towns listed in the census of 1900. Of these eighty, at the beginning of 1908, forty-nine were still licensing saloons and thirty-one were operating dispensaries. In Asheville, Statesville, Charlotte, Durham, Greensboro, Raleigh, Goldsboro, New Bern, Kinston, Elizabeth City, Henderson, Greenville, Oxford, Wilson, and many smaller places the saloon had passed into history. Moreover of the ninety-eight counties, sixty-eight, embracing 85 per cent of the state's area, had become dry territory.

The most important victory won by the Anti-Saloon League was its victory over the Democratic party. The league itself, of course, was non-partisan and would gladly have made its program non-partisan, or bi-partisan; but the Republican party, despite the activity within the league of many Republican leaders, would not have it so. In its platform of 1904, while proclaiming its devotion to the cause of temperance, the Republican party said, "we denounce the Democratic Legislature for the enactment of the Watts Law," which it characterized as an "unjust and unfair discrimination" against the country in favor of the town.[33] This declaration left the Democrats no alternative except to defend the law as their handiwork; accordingly they not only assumed full responsibility, but eagerly claimed credit for it. The Democratic platform of 1904 approved "the general principles of the Watts Law," stating that the Legislature had the power, and "when controlled by the Democratic party" could be entrusted to make such amendments as "experience and conditions may demonstrate to be wise and proper."[34]

Encouraged by the support of the Democratic party, and of prominent Republican leaders who refused to follow their party

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[33] *Democratic Hand-Book for 1904*, 10. (The Republican Platform is printed in full, pp. 8-10).

[34] *Ibid*, 4.

in this matter, the Anti-Saloon League became ambitious and at its annual meeting held in January, 1907, resolved to strike out boldly for state-wide prohibition. Its justification for this change of front was the fact that wet communities "were pouring liquor into dry territory," thus to a great extent nullifying the local option principle. In 1907, therefore, the league, led by Heriot Clarkson, president, and John A. Oates, chairman of the executive committee, launched its campaign with the hope that it would lead to the passage of a prohibition law by the Legislature of 1909. Their program was speeded up, however, by the meeting of the Legislature in special session, January 21, 1908, to adjust the railroad passenger rates controversy. The league officials determined to press for a prohibition law at this special session, although the governor had not mentioned the subject in his proclamation. Governor Glenn fell in, however, with the plan, and sending for his message, already in the hands of the printer and dealing only with the rate settlement, "added a powerful and ringing message for statewide prohibition." Both parties in caucus endorsed the proposed measure and the two Houses passed it. It provided for a referendum to be held May 26, the act, if ratified at the polls, to become effective on July 1, 1909.

A strenuous campaign followed, led on the stump by Governor Glenn, who threw himself into the fight with great impetuosity. Caucuses of the two parties had agreed to divorce the proposal from politics, and Republican and Democratic leaders alike followed the governor's example. That such a fight would arouse intense passions, wreck lifelong friendships, and incite bitter enmities was to be expected; these things are the inevitable price of all great social reforms. That a real social revolution had occurred in North Carolina became evident when the returns came in. In 1881 the voters of North Carolina rejected prohibition by a decisive majority; in 1908 they reversed their former decision by a vote of 113,612 to 69,416.[35]

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[35] *North Carolina Manual for 1913*, 1019-1020.

The War on Disease

The state's campaign against social evils was not restricted to mob violence and the liquor traffic. Intimately connected with the prohibition movement was the war on disease.[36] In 1877, chiefly through the efforts of Dr. Thomas F. Wood, an eminent physician of Wilmington, the Legislature established the State Board of Health, and thus took the initial step in recognizing public health work as a function of the modern commonwealth. It must be said, however, that at first the state accepted its new function reluctantly and supported it feebly. For the biennium, 1877-1879, the Legislature appropriated for the work of the new Board the sum of $100 annually, and for the six years, 1879-1885, the sum of $200 annually; in 1885, inspired by unwonted generosity, it increased the amount to $2000, and there left it for the next twenty years.

Though poor in pecuniary support, the Board of Health found itself rich in human resources. In 1879 it elected Doctor Wood its first secretary and continued to elect him to that office until his death in 1892. He was succeeded by Dr. Richard H. Lewis, who served until 1909 when he resigned to give way to a full-time state health officer. To these two pioneers of public health work, Thomas Fanning Wood and Richard H. Lewis, North Carolina owes one of the most brilliant chapters in her history. In the face of widespread professional opposition and almost universal popular indifference these undaunted leaders placed public health work in North Carolina on a firm foundation. They procured legislation for compulsory bacteriological examination of public water supplies, for strict quarantine of contagious disease, for the establishment of a state laboratory of hygiene, and for the organization of county sanitary commissions; but their greatest work during this pioneer period, beginning with the publication in 1877 of the Board's first

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[36] *The Twentieth Biennial Report of the North Carolina State Board of Health*, 1922-1924, contains an excellent chronological summary of the history of public health work in the state, pp. 7-23.

bulletin—*Timely Aid for the Drowned and Suffocated*—was their educational activities.

Three decades of their leadership carried the work of the Board to the point where a more elaborate and effective organization was necessary. In 1909, therefore, the Legislature authorized it to employ a full-time executive secretary and increased its annual appropriation from $4000 to $10,500. The Board selected Dr. Watson S. Rankin, who served as secretary until 1927. It would be impossible to present here an adequate summary of the activities and achievements of the State Board of Health under Secretary Rankin's administration. It is safe to say that he developed one of the most efficient public health organizations in the world. In 1925 the Board was maintaining, besides its executive staff, bureaus of vital statistics, of medical inspection of school children, of sanitary engineering and inspection, of maternity and infancy, and of county health work, a Sanatorium for the Treatment of Tuberculosis, and a state laboratory of hygiene. Upon its recommendation, the Legislature of 1913 passed a model vital statistics law under which North Carolina was admitted into the Registration Area of births and deaths. It reorganized the agencies of county health work, replacing the old county sanitary commissions with county health boards and full-time county health officers, and organized the first county health departments for work in rural communities in the United States. During these years its educational activities underwent a vast expansion; through its health bulletin, lectures, clinics, and motion pictures it carried the message of good health, and how to attain and keep it, into thousands of North Carolina homes.

During this period the activities of the State Board of Health came to embrace every phase of public health work. The following summary of its activities during the last biennium covered by this history (1923-1925) will give some idea of its achievements. Through the State Laboratory of Hygiene, under the direction of Dr. Clarence A. Shore, a trained bacteriologist, it distributed biological products such as typhoid, diphtheria, smallpox, and autogenous vaccines, diphtheria and tetanus anti-

toxins, and antirabic treatments, valued at $1,556,391. The Board gave complete anti-typhoid vaccinations to 281,411 people; immunized 79,533 children against diphtheria; compelled owners of 154,600 privies to comply with the state sanitary privy law; reexamined 162,014 school children, giving necessary dental treatment to 54,830; gave clinic treatments to 31,494 persons suffering from venereal diseases; quarantined 149,885 cases of contagious diseases; supervised 151 water supplies, valued at $40,000,000 and serving nearly one million people; furnished instruction to 13,670 expectant mothers and gave 28,635 home demonstrations in the care of new-born infants; and published and distributed a monthly health bulletin, with a circulation of 58,000 copies, besides 2,230,500 pieces of specially prepared literature on various health subjects.[37]

It is of course impossible to express statistically the results of any campaign of prevention, or to estimate them with mathematical accuracy. The work of the State Board of Health has practically eradicated typhoid, malaria, smallpox, hookworms, and diphtheria in North Carolina, and greatly reduced deaths from tuberculosis. In 1923 the death rate from typhoid fever dropped to 9.9 per 100,000 of population—the lowest in the history of the state— and the death rate from tuberculosis to 94.7 per 100,000, a reduction of more than one-half in ten years. These are eloquent figures, whether interpreted in terms of physical, economic, or social welfare. Moreover, during this period the former popular indifference to public health work gave way to popular enthusiasm, and the state began to view its new function with genuine pride. Between 1909 and 1925 the Legislature increased the annual appropriations to the State Board of Health from $10,500 to $465,000, thus placing North Carolina sixth among the states of the Union in support of public health work —a position far above her relative rank in either population or wealth.

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[37] *North Carolina Manual for 1925*, 135-136.

The Duke Hospital Fund

Public health work received a decided stimulus in 1924 from the creation of the Duke Endowment.[38] On December 8, at his home in Charlotte, James B. Duke announced the creation of a trust of $40,000,000 to be used in aid of education, charity and the care of the sick in North Carolina and South Carolina. A provision for withholding 20 per cent of the income annually to be added to the principal until such additions aggregated $40,000,000, and subsequent additions to the original fund, it is estimated, will ultimately carry the total endowment to "considerably more than $100,000,000."

Thirty-two per cent of the income of this endowment was to be utilized by the trustees for maintaining and securing such hospitals, "not operated for private gain," as they should select within the two states of North Carolina and South Carolina. The cities of these two states were already fairly well served by excellent hospitals, but the lack of such facilities in small towns and rural districts had long been recognized as a serious obstacle to public health work. This lack the Duke Endowment was intended to supply. The plan adopted included contributions to existing hospitals to help them in the care and treatment of charity patients and aid to the building and equipping of new hospitals. Assurance that these plans would be carried into execution in a broad and liberal manner was given by the selection of Dr. Watson S. Rankin, who as secretary of the North Carolina State Board of Health had been for eighteen years "preaching the gospel of hospitalization and better medical service," as director of the hospital section of the endowment. Commenting on this feature of his philanthropy, Mr. Duke said, "So worthy do I deem the cause and so great do I deem the need, that I very much hope that the people will see to it that adequate and convenient hospitals are assured in their respective communities, with special reference to the poor who are unable to defray such expenses of their own."

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[38] Jenkins, *James B. Duke*, ch. XX-XXI. For the Indenture and Deed of Trust Establishing the Duke Endowment see pages 281-302.

CHAPTER XLVII

THE NEW ECONOMIC STRUCTURE

The political and social developments, which have been discussed, were made possible by the remarkable economic development of North Carolina between 1900 and 1925. Improved transportation facilities, scientific agriculture, industrial expansion, and the utilization of the state's natural resources are the four pillars on which this new economic structure was built.

Railroad Development

The combination movement which resulted during the closing years of the nineteenth century in the formation of three of the large railroad systems which serve North Carolina, was continued in the twentieth century and led to the formation of the fourth and last large system, the Norfolk Southern Railroad.[1] The main stem of this system was originally a line leading from Norfolk, Virginia, to Elizabeth City and Edenton, which was opened to traffic in 1881. In 1906 it was consolidated with other short lines in eastern North Carolina to form the Norfolk and Southern Railway Company. These roads together formed a north and south line connecting New Bern with Norfolk by way of Washington, Plymouth, and Edenton. At New Bern it connected with the Atlantic and North Carolina Railroad, running between Goldsboro and Morehead City, which was operated

[1] The sources for this discussion of transportation in North Carolina are: *Poor's Manual of Railroads* (annual since 1868); Reports of the Interstate Commerce Commission, particularly the Southeastern Class Rate Investigation in 1925, with supplementary reports; Reports of the North Carolina Corporation Commission, 1900-1925; Reports of the State Highway Commission of North Carolina, 1922-1926; *Report of the State Ship and Water Transportation Commission*, 1924; Hamilton, *History of North Carolina Since 1860* (1918), ch. XVIII.

under state control until 1904. On September 1, 1904, following the controversy for its control during Aycock's administration, the Atlantic and North Carolina Railroad was leased to the Howland Improvement Company, which was one of the companies that formed the Norfolk and Southern system in 1906. Another company which entered the consolidation was the Raleigh and Pamlico Sound Railroad Company, chartered in 1903 to build a line between Raleigh and Washington, North Carolina, by way of Wilson and Greenville. Upon its completion it gave the Norfolk and Southern an east and west stem extending into Raleigh.

From the beginning the Norfolk and Southern Railroad system was a very weak property. Accordingly in 1910, the old company was superseded by a new company bearing the name, the Norfolk Southern Railroad Company. With its financial status somewhat improved, the company made noteworthy additions to its system between 1911 and 1913. In November, 1911, it acquired control of the Aberdeen and Asheboro Railroad, with 106 miles of road, the Durham and Charlotte Railroad, extending fifty miles in a southerly direction from Durham, and the Raleigh and Southport Railroad, a sixty-four mile line connecting Raleigh and Fayetteville. Extensions were made in 1912 and 1913, the most important of which was the line from Mount Gilead, the terminus of the western branch of the Aberdeen and Asheboro road, into Charlotte. The Norfolk Southern system thus secured a line connecting Charlotte and Raleigh with Norfolk. Its lines also effectively occupied most of that portion of the state lying east of the main line of the Atlantic Coast Line Railroad.

After 1900 there was a marked decrease in railroad building in North Carolina. The most important construction, perhaps, was the double tracking of the main lines of both the Atlantic Coast Line and the Southern Railway companies. Besides those portions of the Norfolk Southern system already mentioned, only two new railroads of importance were built in the state during the period from 1900 to 1925. These were the Winston-Salem Southbound, and the Carolina, Clinchfield and Ohio. The Winston-Salem Southbound Railroad, chartered in 1905, was

completed to Wadesboro in 1911. There it connects with a branch of the Atlantic Coast Line Railroad from Cheraw, South Carolina, and thus forms a connecting link between that company and the Norfolk and Western Railway at Winston-Salem. Since its opening it has been owned jointly by those two railroads, in whose interests it was constructed.

Probably the most important railroad built in North Carolina after 1900 was the Carolina, Clinchfield and Ohio, the second railroad to cross the Appalachian Barrier south of the Roanoke River. Its main line runs in a southeasterly direction from Elkhorn City, Kentucky, to Spartanburg, South Carolina. Crossing North Carolina it connects with the Southern Railway at Marion and with the Seaboard Air Line Railway at Bostic, west of Charlotte. The Clinchfield was chartered in 1905 and its main line between Dante, Virginia, and Spartanburg was opened to traffic on June 30, 1910. The extension from Dante to Elkhorn City was built late in 1914. It was constructed primarily to provide an outlet for coal from the Clinchfield mining districts moving to the industrialized sections of North Carolina and South Carolina, but it also furnishes a route for traffic between the Carolinas and the Middle West, since at Elkhorn City it finds a connection with the Kenova gateway over the Chesapeake and Ohio Railway. The type of construction of the Clinchfield is of the highest order. Though built over a rugged mountain range, it has no grades over 1.2 per cent northbound and none over 1 per cent southbound. In 1923 it was leased jointly by the Atlantic Coast Line and the Louisville and Nashville railroad companies for 999 years. The lease was approved by the Interstate Commerce Commission on certain conditions, one of which was that the Clinchfield be operated by a separate organization; accordingly since January 1, 1925, it has been operated by a new company called the Clinchfield Railroad Company.

State Regulation of Railroads

Marked enlargement of the regulatory powers of the North Carolina Corporation Commission took place in the past quarter of a century. Under an act of 1913 the commission was given

supervisory power over electric light, power, and gas companies. In 1923, it was specifically authorized to require the adjustment of train schedules, to order the provision of adequate warehousing facilities, and to promote the more expeditious handling of less than carload freight. Finally, in 1925, supervision was extended to motor vehicles engaged in the transportation of persons or property for compensation.

During the same period the commission, in common with other similar bodies in the United States, became involved in the conflicts between state and Federal authority in the matter of railroad regulation. Following the passage of the Transportation Act of 1920, which considerably broadened the powers of the Interstate Commerce Commission, a case came before it directly involving the North Carolina Commission, and known as the North Carolina case. The question was whether the Interstate Commerce Commission could declare intrastate rates prescribed by the state commission to be unreasonable on account of not yielding enough revenue and thus throwing the greater part of the burden of maintaining the transportation machine upon interstate traffic. The decision of the Interstate Commerce Commission was adverse to the North Carolina body. The principle of the decision was later sustained by the Supreme Court of the United States in the Wisconsin Passenger Fares case. Needless to say, this decision considerably curtailed the powers of the state commissions. The Interstate Commerce Commission, however, continued to cooperate with the state commissions in rate adjustments, and many important matters of railroad regulation still came under the purview of the state commissions.

The Freight Rate Problem

A discussion of rate making powers leads naturally to a consideration of the rate structure which has so profoundly affected North Carolina's economic development. The system of rate making employed historically in the South was the so-called basing point system. Briefly, it consisted in charging very low rates to competitive points, such as seaports or impor-

tant railroad junctions, and making rates to non-competitive points by the addition of a local rate from the nearest basing point This system worked great injustice to certain non-competitive points by making them pay rates much higher than more distant points on the same line. The particular condition affecting freight rates for North Carolina points was the existence of the Chesapeake and Ohio and the Norfolk and Western railroads, which form trunk line connections between Norfolk and the Middle West. These two roads not only gave Norfolk the same rates from the Middle West which Baltimore enjoyed, in order to compete with railroads serving the North Atlantic ports, but also applied the Norfolk rate to interior points in Virginia, so that all the Virginia cities from Roanoke to Norfolk, inclusive, enjoyed the Norfolk rates from the Middle West.

As contrasted with Virginia, North Carolina had no port comparable to Norfolk, and its efforts to build an east and west trunk line railroad had all failed. The North Carolina roads had their main stems north and south and were interested in traffic moving in that direction. Furthermore, each of the four large systems which served the state had deepwater terminals at Norfolk, and, therefore, had not been interested in the development of Wilmington, the state's only port of significance. Accordingly freight rates to North Carolina from the Middle West were made by taking the rate from the Middle West to the Virginia cities and adding thereto local rates to North Carolina points. For example, prior to 1914 the rate from Chicago to Norfolk was 72 cents per 100 pounds first class, while the rate from Chicago to Greensboro was made by adding to this 72 cents 61 cents for the haul from the Virginia cities to Greensboro, making a total rate to Greensboro of $1.33. These same rates applied, moreover, even though the traffic moved into Greensboro over the lines of the Southern Railway Company *via* Asheville. Similarly rates between eastern centers and North Carolina points were made by taking the rates from the eastern points in question to the Virginia cities gateways and adding thereto the local rates to the Carolina points. As compared with the rates between eastern centers and the Vir-

CLYDE LINE STEAMER TAKING ON CARGO FOR NEW YORK

PORT OF WILMINGTON

Tanker of American Molasses Company Discharging a Cargo of 1,100,000 Gallons of Molasses

ginia cities, which were kept extremely low by coastwise water transportation to Norfolk, the rates into North Carolina were exceedingly high. Still a third source of discrimination, complained of by North Carolina, was found in the rates from North Carolina stations to points in the South. Prior to 1922 North Carolina was blanketed with the Virginia cities on all traffic to most of the South, that is, North Carolina points, although having a considerable advantage in distance to many southern points, had to pay the same rates as the Virginia cities.

The rate situation, therefore, placed North Carolina business men at a serious disadvantage in relation to their Virginia competitors. Virginia jobbers could undersell North Carolina jobbers in territory which naturally belonged to the latter. This condition partly explains why no large cities developed in North Carolina.

From time to time shippers' organizations, chambers of commerce, and the North Carolina Corporation Commission voiced vigorous protests against the North Carolina rate structure. Following one such complaint, the Interstate Commerce Commission in 1914 lowered the rates from the Middle West to North Carolina by about 10 per cent. In 1919 certain commercial organizations and a number of North Carolina towns brought complaint against the rates to North Carolina from eastern centers. About the same time, the North Carolina Corporation Commission protested against the rates between North Carolina points and points in the South. In both cases the Interstate Commerce Commission found the situation unduly prejudicial to North Carolina, and gave some relief. Finally, in 1922, the Interstate Commerce Commission on its own motion undertook a thorough investigation of the entire class rate structure in the southeastern states. Hearings were held at various places throughout the South during 1922 and 1923, and all interested parties were given an opportunity to contribute to the discussion. The Commission handed down its decision on July 7, 1925. It involved a rather complete overhauling of the rate structure throughout the South with the idea of making rates more nearly in accordance with the distance principle.

Because of objections to certain features of the new plan, a revision was necessary, and the revised plan did not finally go into effect until 1928. For traffic moving between points, both of which are located in southern territory, the new scheme prescribed a strict distance scale of rates However, an exception to these provisions for rates on inter-territorial traffic was made in the case of traffic moving to or from North Carolina points, which, to a large extent, left them in their original position with relation to the Virginia cities. The rates to and from eastern points and to and from points in the South were adjusted to the advantage of North Carolina, although the adjustment was by no means what North Carolina shippers would like for it to be.

The rate problem was responsible for a strong agitation in 1923-24 for state owned ports, terminal facilities, and ships to offer water competition to the railroads. In 1923 the Legislature authorized the appointment by Governor Morrison of a commission of nine men, to be known as the State Ship and Water Transportation Commission, charged with the duty of investigating the feasibility of such a program. After a thorough study of the problem, the Commission submitted a report in 1924, recommending the appropriation of $7,000,000 for acquiring and equipping state ports and terminals, with an additional $1,500,000 for the purchase or lease of ships to serve such ports, if deemed necessary by the port authority to be charged with carrying out the program It also recommended that the state take steps to acquire the old Cape Fear and Yadkin Valley Railway as a basis for a trunk line railroad to the Middle West. Governor Morrison, who had been a most ardent advocate of the plan, called the Legislature to meet in special session to consider the report, and the Legislature referred the plan to the voters of the state. The proposal was defeated at the polls in the November election, 1924.

State Highways

The outstanding transportation development of the present century in North Carolina has been the construction of a system of state highways. Before 1900 road building had been under

local control with the township as the unit of construction and maintenance. The method employed was an inheritance from early colonial times. It required every able bodied citizen to work on the roads a certain number of days each year or else to pay a stipulated sum for the employment of a substitute. The system of course was never adequate even before the advent of the automobile. In 1879, by act of the Legislature, Mecklenburg County led the way toward the county system, the most important feature of which was the levying of a county road

A North Carolina Good Road

tax which led ultimately to the abandonment of the old plan of "working the roads" by local labor. Under this law Mecklenburg built an excellent system of macadam roads, which afforded an object lesson for other counties. Accordingly, as a result of road legislation by the Legislature of 1901, about one-third of the counties of the state adopted the Mecklenburg plan of county road construction. Mecklenburg held the lead for some years, but Buncombe, Forsyth, Durham, Haywood, Gaston, Guilford, and Wake counties were soon actively engaged in building macadam highways. Certain other counties, notably Craven, Cumberland, Wilson, Orange, Davie, and Edgecombe, found sand clay roads very satisfactory.

By this time popular interest had been aroused in the "good roads movement," and the next important step was the organization of this sentiment. In 1901-1902 a "good roads train" under the combined auspices of the United States Department of Agriculture and the Southern Railway Company, passed through North Carolina, making extended stops at Winston-Salem, Asheville and Raleigh. At these points demonstrations of road building were given and good roads conventions were held. At the Raleigh convention, February 12 and 13, 1902, the North Carolina Good Roads Association was organized, with P. H. Hanes of Winston-Salem as the first president. This organization gave a great impetus to highway development in the state. It advocated the policy of making the county and the state the units in road building, favored the establishment of a state highway commission, and provision for highway maintenance by the state.

The first significant step toward a state highway system was taken by the Legislature of 1915, which established a state highway commission to cooperate with the counties, and appropriated $10,000 annually for its support. In 1917 the commission was authorized to receive the Federal aid appropriations which had been made by Congress, and to receive the automobile license fees for the purpose of maintaining roads and bridges. Two years later an entirely new state highway commission was established, but without increased powers. Finally, in 1921, the Legislature, under the leadership of Governor Morrison, inaugurated a thoroughgoing state system of highways.

The Highway Act of 1921 provided that the state should take over, construct, and maintain a system of some 5,500 miles of dependable highways connecting all county seats, state institutions and principal towns in the state. The program was put under the direction of the State Highway Commission, consisting of a salaried chairman and one commissioner from each of the nine districts into which the act divided the state for highway construction purposes. The state treasurer was authorized to sell $50,000,000 of state serial bonds and turn the proceeds over to the Highway Commission for road purposes. The revenue arising from a tax of three cents per gallon, later raised to four

cents, on all gasoline used as motor fuel in the state and from license fees for motor vehicles was appropriated for the maintenance of the state highways, the payment of the interest on the highway bonds, and the creation of a sinking fund for their ultimate redemption. The General Assembly in 1923 authorized an additional issue of $15,000,000 of bonds, and in 1925 $20,000,000 more, for highway construction.

The rapid increase in the number of automobiles in the state provided ample revenue for highway development. In 1921 there were in the state 149,000 automobiles, in 1923, 247,000, and in 1925, 340,000. The revenue from gasoline taxes and license fees jumped from $6,000,000 in 1923 to approximately $14,000,000 in 1926. Furthermore, down to June 30, 1926, the state had received $15,716,289 from Federal aid appropriations. The total funds available for construction down to June 30, 1926, amounted to more than $128,000,000. This figure included the bond issues, Federal aid, donations, and about $18,000,000 loaned to the Highway Commission by various counties of the state.

With these funds construction of improved highways, under the administration of Frank Page, chairman of the North Carolina Highway Commission, went forward rapidly. On July 1, 1926, there were 6,154 miles of improved roads in the state highway system. Of this number, 1,237 were concrete, and 1,067 asphalt. The rest were mostly top soil and gravel roads. Many roads were re-located so as to eliminate unnecessary distance, curves, and grades. Between January 1, 1921, and November 1, 1926, 324 railroad grade crossings were eliminated by re-location of highways, fifty-nine by construction of underpasses, and forty-two by construction of overpasses. At the beginning of 1921 there were 776 grade crossings on the state highway system; by November 1, 1926, this number had been reduced to 351.

The construction of all-weather roads was accompanied by rapid expansion of the motor bus and transport business. Motor vehicles operating over the state highways for compensation had become so numerous by 1925 that the General Assembly of that year passed a law placing them under the jurisdiction of

the Corporation Commission for regulation as common carriers. The law required all bus drivers to have permits and gave the Corporation Commission regulatory authority over schedules and fares. A few figures will indicate the rapid growth of the bus business. In August, 1926, there were within the state ninety-seven passenger bus lines operating a total of 456 busses over approximately 4,500 miles of road. The aggregate number of passenger bus miles traveled in the year ending June 30, 1926, was 11,350,040. In addition, seventeen freight lines were operating eighty-three trucks as common carriers over 1,756 miles of road. Moreover, in 1927, more than two thousand school busses were employed in transporting children to and from the large consolidated schools which had been established in the state since 1921.

Agricultural Trends

During the period 1900 to 1925 North Carolina participated in the dominant trends of national growth. The population increased, commerce, manufactures and finance developed rapidly, and the state, like the rest of the nation, became distinctly more urban. Agriculture also developed greatly, but at a slower rate than industry, trade, and finance.[2]

The agricultural growth of the state was characterized by a decline in the amount of land in farms, by an increase in the

[2] The general sources for this discussion of the agricultural development of North Carolina are the *United States Census Reports*, 1900-1920; *United States Census of Agriculture; Part II, The Southern States*, 1925; *Abstract of the Thirteenth Census: North Carolina Supplement*, 1910; *Farm Tenancy in the United States*, by E. A. Goldenweiser and Leon E. Truesdell (U. S. Census Monograph IV, 1924); *Agricultural Graphics: North Carolina and the United States*, 1866-1922, by Henrietta R. Smedes (University of North Carolina Extension Bulletin, Vol. II, No. 13, May 1, 1923); *Home and Farm Ownership* (North Carolina Club Year-Book, *ibid*, Vol. II, No. 9, Jan. 1, 1923); *Blue Book of Southern Progress*, 1926 (Manufacturers' Record); *Blue Book of Southern Progress*, 1927 (*ibid*); *Fifty Years of Southern Progress*, 1924 (*ibid*); *Cooperative Marketing of Cotton*, by George O. Gatlin (U. S. Department of Agriculture, Bulletin No. 1392); *Agricultural Cooperative Associations, Marketing and Purchasing*, by R. H. Elsworth (*ibid*, Technical Bulletin No. 40).

number of farms and of farmers, and by increased production. Both white and colored farmers were more numerous at the end of the period than at the beginning, but the proportion of colored farmers had become greater. Tenancy became more general in respect to both the number of farmers and the area of land cultivated. White tenants exceeded negro tenants in number, but to a diminishing degree with the passing of each census year.

The population of North Carolina increased from 1,893,810 in 1900 to an estimated population of 2,812,000 in 1925. In 1900, 90.1 per cent of the people lived on farms or in communities of less than 2,500 inhabitants; in 1910, 85.6 per cent; and in 1920, 80.8 per cent. The strictly farm population increased from 1,408,580 in 1910 to 1,501,227 in 1920, but losses sustained during the succeeding years led to a movement away from the farm, and while by 1928 the total population of the state had increased by 9.9 per cent, the farm population had fallen to 1,446,881, and constituted only 51.5 per cent of the estimated total population of the state.

The number of farms increased from 224,637 in 1900 to 283,482 in 1925, during a period characterized by a decrease of the acreage applied to agriculture. This resulted from a reduction in the size of farms rather than an extension of farm area. Indeed, the acreage of farm land declined from 22,749,356 in 1900 to 18,593,670 in 1925, a greater decrease in percentage than that of any other South Atlantic state. The smaller size of farms is indicated specifically by the average acreage per farm, which fell from 101.3 acres in 1900 to 65.6 acres in 1925. That the smaller size of North Carolina farms was not the result of the sale of uncultivated tracts is indicated by the decline of the number of acres of improved land from 8,327,106 in 1900 to 8,198,409 in 1920.

These decreases may be explained in part by the increasing scarcity of agricultural labor. Tenants and hired laborers were drawn from the farms by the higher money wages and the social appeal of the rapidly developing industrial centers. Farmers themselves responded to the pull of the city, and encouraged their children to turn from farm to factory and counter. Poorer lands were abandoned; many fields had become barren through

Wagon Loads of
Cotton Waiting
to be Ginned

Rocky Mount Mill
at the Falls of
the Tar River

unvaried cropping and neglect; and the boll weevil speeded the parting of the farmer from the land. Appearing in the southeastern counties in 1919, it added a new hazard to the growing of a staple crop. An additional factor was the extension of city areas. The rapid construction of highways and the ventures of real estate developers made it appear between 1923 and 1925 that suburban lots were about to become North Carolina's chief rural product.

Throughout the quarter-century, the majority of farm operators were white, although there was a slight decline of their predominance from 75.6 per cent in 1900 to 71.4 per cent in 1925. The growing importance of the negro in the agriculture of the state is measured not only by the rise from 24.4 per cent to 28.6 per cent in the number of farmers, but also by the fact that while the total amount of farm land was being reduced, the land operated by colored farmers was being increased from 2,955,138 acres in 1900 to 3,437,442 acres in 1920.

Throughout the period there was a growing tendency for North Carolina farmers to work lands they did not own. Tenancy increased from 41.4 per cent of farms operated in 1900 to 45.2 per cent in 1925, among both white and colored farmers, with white tenants outnumbering the colored throughout the period. Their relative numerical superiority declined, however, on account of the more rapid increase of colored tenants, who constituted 40 per cent of the total in 1900 and 45 per cent in 1925. Tenancy was greatest in the counties which concentrated upon the growing of cotton and tobacco.

Cotton and tobacco are ideal tenant crops, because they can be produced by unskilled labor. Cotton and tobacco are usually ready-cash crops and can be sold as soon as they are produced. Credit can be secured to run the farmer even before the crops are planted because of the crop-lien system. Both crops are practically non-perishable and can be held by the landlord until the market suits. Both crops are easily transported, cannot be eaten by man or beast, they are handmade crops, producing large per acre yield, and are thoroughly protected by law, making them admirable tenant crops in every way. The coastal plain counties lead in cotton and tobacco production and these same counties lead in tenancy. . . . Of the forty-two counties above

the state average in tenancy all but nine are located in the eastern half of the state, and these nine are four tobacco counties along the Virginia border and five cotton counties along the South Carolina border. All counties between and west of these nine are counties where farm ownership is the rule and where each decade finds a larger per cent of farms cultivated by owners and tenancy decreasing. The mountain and hill counties that produce food and feed crops have never been and probably never will be tenant counties. The Tidewater counties which have no cash crops rank high in ownership and are not increasing in tenancy except where cotton and tobacco are being raised.[3]

Farm Products

North Carolina stood eighth among the sixteen southern states in 1900 in both crop acreage and the total value of farm crops; the area of crop land was 5,609,000 acres, on which were produced crops valued at $68,625,000. In 1925 the state was seventh in crop acreage, with 7,234,000 acres, but had risen to second place in the value of crops. Production valued at $339,001,000 was an achievement inferior in the South only to Texas, which, with more than three times the crop acreage and 46 per cent more farm population, attained in $595,607,000 less than twice the value of North Carolina's farm crops. Comparison of the total value of all crops and livestock products of the southern states shows that North Carolina moved from eighth place in 1900 with $89,310,000 to fourth place in 1925 with $423,000,000. The aggregate values at the beginning and the end of the period are hardly comparable on account of serious changes in the purchasing power of the dollar, but comparisons of values created by different states in the same year avoid the difficulty. Tested by this standard, North Carolina's rise to a higher position among her neighbors is evidence of relative progress. The position of the state among all the states of the Union was raised also. In the value of all farm crops North Carolina moved from twentieth place in 1899 to eleventh in 1924.

Cotton and tobacco were the leading crops. The land applied to the growing of cotton was doubled, but the yield increased

[3] *Home and Farm Ownership, op. cit.*

more than proportionately, jumping from 433,000 bales in 1900 to 1,102,000 bales in 1925, and raising the state from eighth in the list of the cotton states to seventh. Its rank as a producer of tobacco was higher. With 203,023 acres in 1900, the state was second only to Kentucky; its acreage of 547,000 in 1925 exceeded that of Kentucky by 68,000 acres. During the twenty-five years under discussion, the number of pounds produced increased correspondingly from 127,503,400 to 380,165,000. The value of the North Carolina crop in 1900 was the second great-

LEAF TOBACCO SALE AT WILSON

est, but the $8,038,691 at which it was sold was less than half the value of the Kentucky crop; in 1925 the $87,438,000 at which the North Carolina crop was valued was $25,000,000 greater than the value of the crop of the next highest state.

The trend in the production of cereals was less decided. Land in corn on farms reporting to the census decreased from 2,720,206 acres in 1899 to 2,009,048 acres in 1924. The decline in yield was not so great; it dropped from 34,818,860 bushels in 1899 to 30,547,920 bushels in 1924. Of the grains of less importance in North Carolina, there was a diminishing production of wheat and oats and an increase of barley and rye.

Among the minor crops, the more important were peanuts, potatoes, hay, early vegetables, and orchard fruits. In 1926 North Carolina was the leading state of the Union in the production of peanuts. The production of white potatoes increased from 1,636,445 bushels in 1899 to 4,492,928 bushels in 1924. Production of sweet potatoes and yams rose during the first ten years from 5,781,587 bushels in 1899 to 8,493,283 bushels in 1909, but declined by 1924 to 4,455,480 bushels. The production of hay crops rose from 231,814 tons in 1899 to 419,852 tons in 1924. Although there was a decline in the land devoted to vegetables raised for sale, other than potatoes, the number of farms reporting farm gardens mounted during the same period from 105,952 to 225,566. Much of this increase was due to the patriotic appeals made during the course of the World War, but after 1919 the agricultural crisis and the continued growth of cities promoted the development of market gardens. Especially active in the production of truck crops were New Hanover, Pender, Sampson, and Wayne counties. During 1925, 15,555 carloads and 490,000 express packages of truck crops were shipped out of the state, on which producers realized nearly $12,000,000.

During the period under consideration orchard fruits attained the dignity of money crops. After 1920 the development of apple orchards in the mountain counties and the expansion of fruit culture in the Sandhills added an element of diversity to the agriculture of the state. In 1926 North Carolina produced 2,100,000 bushels of peaches valued at $1,890,000 and 5,986,000 bushels of apples worth $5,088,000, which placed the state sixth among southern states in the production of peaches and fifth in the production of apples.

The growth of livestock, despite campaigns of farm journals and farmers' organizations, did not keep pace with other phases of agricultural development. Although the total number of horses and mules on farms increased from 294,763 in 1900 to 410,730 in 1925, the number of horses declined from 159,153 to 130,963. Partial elimination of the horse as a means of transportation followed the tendency toward the universalization of the automobile. The passing of the horse was attended by the development of a decided preference for the mule as a draft animal

for farm purposes. The number of mules doubled, rising from 135,610 in 1900 to 279,767 in 1925. There was a general decline of food animals on farms. The total number of all cattle decreased from 624,519 to 538,780, while sheep declined severely from 301,941 to 66,557, and swine fell from 1,300,469 to 871,787. Feathered inhabitants of the barnyard, except chickens, show a similar tendency. Between 1900 and 1920 the number of turkeys declined from 120,737 to 96,770, ducks from 102,942 to 56,003, and geese from 284,424 to 143,006. A counter trend, however, is noticeable in plebian and pedigreed chickens, which numbered 3,871,858 in 1900, and 8,558,145 in 1925.

Farm Finances

The total value in current dollars of all farm property rose between 1900 and 1925 from $233,834,693 to $1,050,835,835. The portions of the totals represented by the value of land and buildings were $194,655,920 and $926,025,507. The remainder in each case measured the value of livestock, implements, and machinery. The value per acre of land alone increased from $6.24 in 1900 to $42.84 in 1920, and then declined to $36.92 in 1925.

North Carolina shared in the general increase of farm mortgages. In the United States 30 per cent of the farms were reported mortgaged in 1900 and 36.1 per cent in 1925; in North Carolina the increase was from 15.2 per cent to 19.3 per cent. This increase was due in part to more complete reports at the end of the period than at the beginning, and to borrowing to finance the more active improvement of farms.

The sources of farm credit are suggested by the findings of a governmental survey.[4] Study of conditions on 800 farms in three sections of the state in 1921 showed that more than half of all loans secured by mortgages on land were advanced by individuals; commercial banks loaned 19.6 per cent of the total,

[4] *Farm Credit in North Carolina, A Survey of 800 Farms*, by Fred R. Yoder, H. S. Beardsley, and A. J. Honeycutt (The Bulletin of the North Carolina Department of Agriculture, May, 1923). The farms studied were in Alleghany, Scotland, and Wake counties.

Federal land banks, 15.3 per cent, insurance companies, 6.3 per cent, and all others, 2.9 per cent. A beginning of cooperative finance was made by the organization of credit unions and resort to the semi-public financial institutions created by acts of Congress. The General Assembly of 1915 enacted the Credit Union Law which anticipated the development of mutual assistance among farmers for the purchase, improvement, and operation of farms. The first credit union in the state was organized by twelve members at Lowe's Grove, Durham County, on December 10, 1915. The North Carolina Agricultural Credit Corporation of Raleigh secured from the Intermediate Credit Bank production loans amounting to approximately $1,100,000 for 1,500 North Carolina farmers in 1924, the first year of the bank's operation.[5] On the 800 farms investigated, advances to meet current expenses were made chiefly by supply stores which provided 50.3 per cent of the short term loans reported. Banks supplied 15.6 per cent of the total, landlords, 11.7 per cent, other individuals, 7.6 per cent, factories and agents, 14 per cent, and all others 1.8 per cent. The highest rates of interest were paid to supply stores, which obtained payments averaging 26.6 per cent. White customers were charged 21.8 per cent, while colored purchasers were burdened with rates which averaged 32.2 per cent. The average rate paid by tenants on short-time advances from landlords was 21.5 per cent. On short-term loans of cash the average rate was 6.3 per cent and on mortgage loans 6.1 per cent. The average for all loans was 11.3 per cent. The interest paid was often only a part of the total charge. Some borrowers paid a bonus, commission, or other handling charge without realizing just what was the total cost of the loan. The average handling charge imposed upon all borrowers on mortgage security was 3.35 per cent.

Cooperative Marketing

The depression of 1920 and the following years was attended by the formation of associations for cooperative marketing.

[5] *Agricultural Cooperation*, 123 (Publication of the U. S. Department of Agriculture, March 16, 1925).

Farmers sought by group action to obtain the more favorable prices which they had enjoyed during the period of inflation. The average price of cotton at New Orleans fell from 40.52 cents in June, 1920, to 14.64 cents in December and to 11.08 cents in March, 1921. Farmers and interested business men gathered in courthouses and schools to vent their wrath upon the speculator, the Federal Reserve Board, or the vanquished enemy in Europe. These protest meetings soon led to measures. Movements to reduce acreage were launched. The possibilities of cooperative marketing offered a means of escape from bankruptcy. Achievements in Denmark, California, and the Middle West were held up as worthy of emulation. Out of these efforts came the organization of associations for cooperative marketing of cotton, tobacco, and peanuts. The North Carolina Cotton Growers' Cooperative Association was organized in 1921 and incorporated on February 8, 1922. Its field of operation was state-wide. By January 1, 1922, contracts of membership had been signed by 26,000 growers whose anticipated production represented 340,000 bales. However, deliveries to the association were less than had been expected; in 1922-23, only 135,912 bales were delivered, in 1925-26, only 161,158 bales. The quantity delivered in 1922-23, represented but 13.6 per cent of the state's crop, in 1925-26, 14.6 per cent.

Efforts to organize the tobacco growers were conducted as part of the campaign to organize the cotton growers. North Carolina tobacco farmers joined with those of Virginia and South Carolina in the Tobacco Growers' Cooperative Association, which was incorporated under the Cooperative Marketing Act of North Carolina, February 9, 1922. By January 5, 1922, the association had secured 61,903 binding contracts, which represented over 50 per cent of the production of 1920. The membership increased later to 96,000. North Carolina's contribution to this tri-state association exceeded that of either of her neighbors. The 45,110 members from North Carolina delivered 271,683,000 pounds of tobacco, more than half of the 531,000,000 pounds received by the association during the four years of its operation. The proportions of total deliveries to the association by North Carolina members to production in the state during the years

Barns of a Modern North Carolina Dairy

Harvesting Potatoes

Grapes on the Mountain Sides

FARMING ON A BUSINESS BASIS

1922 to 1925, inclusive, were 33.9 per cent, 25.2 per cent, 19.1 per cent and 7.2 per cent. The average for the four years was 20.7 per cent.[6]

Cooperative marketing of tobacco was handicapped by the lack of experience of the members in cooperative endeavor and by the prevalence of tenancy and store-credit. Growers were numerous and individualistic. The association experienced difficulty in solving the problem of the management of its affairs. After operation had been commenced the members were not educated by their leaders or kept informed of vital matters. Secrecy regarding salaries and sales policies induced distrust. Mistakes which were made were capitalized by adequately financed opposition in such papers as the *Southern Tobacco Journal*. When a Federal court granted a receivership of the association's affairs in July, 1925, the active career of the Tobacco Growers' Cooperative Association came to a close.

Farmers of Virginia and North Carolina organized in 1921 the Peanut Growers' Association, Inc., of Norfolk, Virginia. More than 5,000 growers in the two states had signed contracts by June, 1921. Errors in the management of the association during the first year reduced its influence thereafter. A leading speculator was employed as manager. Payments to growers were delayed. Arrangements for cleaning the crop were postponed so long that the cost of storage mounted to $300,000. Finally the holdings of the association were sold in part to cleaners who used the pool's own peanuts to beat down prices.[7] Deliveries dropped from 75,500 bags in 1923 to 36,397 bags in 1925. The net expenses of marketing were 28 per cent of the sales.[8]

Although its success was limited, the cooperative movement brought gains as well as disappointments. The advantages of association, which were demonstrated along with the weaknesses of the experiments in cotton and tobacco, encouraged

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[6] From an unpublished manuscript of Mr. S. D. Frissell, Chapel Hill, North Carolina.

[7] Steen, Herman, *Cooperative Marketing*, 278.

[8] *Agricultural Cooperation, op. cit.*, 148.

producers to act together in local cooperatives. In 1925 there were twenty-six purchasing associations in North Carolina, twelve of them organized for the cheaper purchase of fertilizers. With the assistance of the North Carolina State Department of Agriculture, during the two years 1925 and 1926, farmers shipped cooperatively 3,000,000 pounds of poultry and 10,000 cases of eggs, which together had a market value of $860,761.24. The estimated saving to the farmer on those shipments was $174,761.27.[9]

The validity and binding force of the contracts of members were tested and sustained by the Supreme Court of North Carolina in 1923 and 1924.[10] The very difficulties experienced by the associations drew attention to the importance of the problem of marketing as opposed to scientific production. It had become clear that making two blades of grass grow where but one grew before is disastrous unless there is a favorable market for the entire crop. New sources of credit were discovered. Negotiation of a $30,000,000 loan from the War Finance Corporation by the Tobacco Growers, additional advances by New York banks, and borrowing by the North Carolina Cotton Growers' Association at interest as low as 4½ per cent, proved that the combined resources of farmers could support financial undertakings worthy of the respect of Big Business. An enduring benefit was the education of many growers regarding the grading of their products. The cotton association stimulated improvement of the quality and the standardization of that type of short staple cotton which is most profitable to the South. The tobacco growers did much to dispel the mystery that had long obscured methods of grading tobacco and had seemed to the farmer one of the tricks of the trade of which he was the victim.

The Transformation of Rural Life

The public school, the automobile, the telephone, electric power, rural free mail delivery, and improved farm machinery

[9] *The Bulletin of the North Carolina Department of Agriculture*, October, 1927, 11.

[10] 185 *North Carolina Reports*, 265; 187 *ibid*, 260 and 356.

all combined during the period under discussion to raise the powers of the farmer to higher levels of rational control over his environment. Influences radiating from the State College of Agriculture and Engineering and from the agricultural experiment stations increased the productivity of the farms. Demonstration agents, farm journals, and teachers of agriculture in consolidated schools broadcast the advantages of the thorough preparation of soil, rotation of crops, and selection of seed. There was a decided trend toward the increased use of mechanical power in the field and in the home.

Improved roads and the automobile transformed the farmer's world. In 1900 the farmer required two days in which to take his tobacco to market and return home; in 1928 he could make the trip to the same town, sell his crop, and return to the farm in the course of a single morning. Diversity of products was promoted by the enlargement of areas tributary to towns and cities. The cross-roads store tended to be superseded by the filling station, which serves a car carrying farm produce on the running board or goods from city stores on the back seat.

While gasoline took the farmer to the outer world, the rural telephone and the radio brought the world to him. No longer must he depend upon the weekly paper or the monthly meeting for news. Messengers need not go in person for a physician urgently needed. Development of the radio promises a future in which by the turning of a dial the limits of communication can be extended to distant continents.

Industrial Development

During the first quarter of the present century, North Carolina achieved rapid industrial progress.[11] The Piedmont section

[11] This discussion of industrial development is based primarily on the United States Census Reports, 1900-1920; *Abstract of the Thirteenth Census: North Carolina Supplement*, 1910; *Biennial Census of Manufactures*, 1923; *Blue Book of Southern Progress*, 1926 (Manufacturers' Record); *Blue Book of Southern Progress*, 1927 *(Ibid); Fifty Years of Southern Progress*, 1924 (*ibid*); *Thirty-fifth Report of the Department of Labor and Printing of the State of North Carolina*, 1926.

was the area of greatest activity. Textiles, tobacco, lumber and furniture were the products of the leading industries. But successful operation of industrial plants in other parts of the state and the rise of additional industries supplied the dispersion and variety which made for more balanced development.

In all the manufacturing industries the number of establishments with annual products worth $500 or more increased from 3,465 in 1899 to 5,999 in 1919. The business depression following the crisis of 1920 led to considerable reduction in the number of plants. That fact together with the limitation of the

ERWIN COTTON MILLS

biennial census of 1923 to returns from establishments with an annual product of $5,000 or more caused the number reported in 1923 to be only 2,670. The average number of wage-earners rose between 1899 and 1923 from 72,332 to 173,687, while during the same period the total wages were increased from $14,051,784 to $127,537,821. An increase in primary horsepower from 154,467 to 702,832, and the increase in the total value of products from $85,274,083 to $951,910,599, show in part the enlargement of the scale of production. The absolute increase of wage-earners, wage payments, primary horsepower, and value of prod-

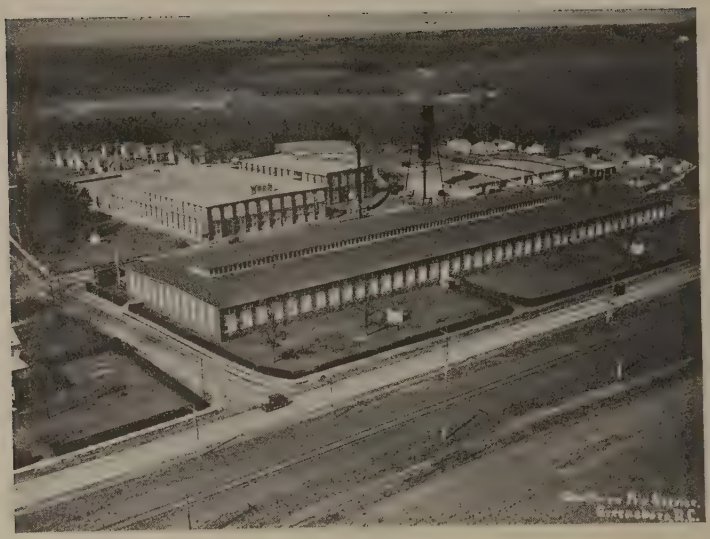
ucts accounts for North Carolina's substantial advance in industrial rank among the states of the Union. The upward movement is seen in the climb from sixteenth place to thirteenth in the number of wage-earners; from seventeenth to twelfth in primary horsepower; and from twenty-eighth to fifteenth in the value of products.

The locations of industries in North Carolina show concentration without narrow specialization. The fourteen cities credited by the census of 1920 with a population of ten thousand or more included 14.4 per cent of the total number of manufacturing establishments in the state, 28.8 per cent of the total wage-earners, and 42.2 per cent of the total value of products. If the plants in the environs, but outside the corporate limits, were added the percentages would be considerably larger, yet not large enough to obscure the importance of the industrial activities of the villages and towns in every section of the state. The industrial organization of North Carolina is still decentralized.

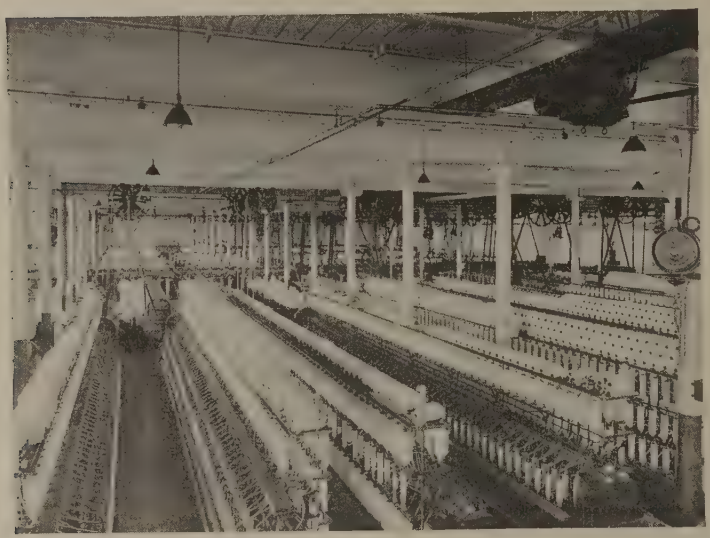
Manufacture of tobacco products is carried on chiefly in Forsyth and Durham counties. Winston-Salem and Durham combined produced in 1919 about one-fifth of the total value of tobacco products in the United States. Active factories are also in operation in other counties, notably in Buncombe, Catawba, Guilford, Iredell, and Rockingham. Local diversity is illustrated by Winston-Salem's claim to distinction not only as the world's largest manufacturer of tobacco products but also as the nation's greatest producer of men's knit underwear and as the outstanding manufacturer of knit goods, wagons, and woolen products in the South. Durham advertises the largest hosiery mills in the world as well as smoking tobacco and cigarette factories.

The furniture industry is largely localized in Guilford, Davidson, and Caldwell counties. High Point has become as synonymous with furniture as Grand Rapids. However, the tendency towards the distribution of the industry over a wider area is shown by the operation of productive factories in Mebane, Mount Airy, Winston-Salem, Hickory, Statesville, Waynesville, and Ashboro.

The textile industry has realized its greatest development in the Piedmont section. Localization has been encouraged by the



P. H. Hanes Knitting Mills



Spindle Room of P. H. Hanes Knitting Company

accessibility of adequate white labor and hydro-electric power. Gaston County leads in the number of establishments, but it is an organic part of the larger textile area of the Carolinas. Within a radius of 100 miles of Charlotte are 700 textile plants. Although characteristic of the Piedmont region, the cotton industry is widely distributed throughout the state. Mills are operated in the mountains, as at Asheville, and in towns in the Coastal Plain, such as Lumberton, Tarboro, Kinston, Rocky Mount, and Wilmington. In 1925 cotton mills were found in exactly sixty counties.

Textiles

The present position of North Carolina in the cotton industry is the result of steady growth since the beginning of the century. In 1899 the state ranked next below Massachusetts in the average number of wage-earners, yet the 30,273 workers were slightly less than one-third of the total of the New England state. With 1,133,432 active spindles, North Carolina stood below Massachusetts, Rhode Island, South Carolina, and New Hampshire. Her 58,442 primary horsepower was exceeded in each of the same states. In respect to the total value of products North Carolina was third with $28,372,798, which was surpassed slightly by South Carolina with $29,723,919 and overwhelmingly by Massachusetts with $110,478,327. Upon the basis of the number of establishments North Carolina was the leading state with 177 separate plants. In 1923 North Carolina was second in the value of cotton goods, Massachusetts continuing to hold first place, but by a diminishing margin. North Carolina exceeded even Massachusetts in the number of establishments, having 351 against 245, but it was only a nominal superiority because of the smaller size of the average North Carolina mill. In the number of workers, spindles, motive power, and output North Carolina was the first state in the South, but ranked below Massachusetts. There were 81,041 wage-earners in North Carolina mills and 116,751 in those of Massachusetts. That state had 11,222,741 active spindles while North Carolina had 5,463,547. North Carolina had 325,785 primary horsepower, Massachusetts

566,485. The total value of cotton goods manufactured in North Carolina was $326,500,000, in Massachusetts $429,000,000. The value added by manufacture in North Carolina was $116,202,-484, in Massachusetts $198,571,932.

The rate of development of the cotton industry in North Carolina was more rapid than in any other southern state. Pre-eminence among her neighbors at the beginning of the period in the number of establishments and the number of workers was intrenched at the end by superiority also in the number of spindles, primary horsepower, and the value of products. This growth made North Carolina a more formidable rival of Massachusetts. During the period from 1904 to 1923 the number of spindles in the United States increased less than 50 per cent; in Massachusetts 33 per cent; in North Carolina the increase from 1,880,950 to 5,463,547 was at the rate of 196 per cent. But the mere number of spindles is less significant than the extent to which they were used. A longer working day, greater frequency of night shifts, and more continuous operation account for the fact that in 1924 North Carolina worked 17.3 billions of spindle hours while Massachusetts, with twice as many spindles, worked only 17.8 billions. The rise to 19.9 billion spindle hours in 1926 placed North Carolina more than a billion ahead of any other state.

The trend in the manufacture of yarn was toward the production of finer counts. In 1899 North Carolina was the only state in the South producing fine yarns, and the quantity was negligible; in 1919 North Carolina was second to Massachusetts in the fine counts, and after 1919, production of the finer grades increased even more rapidly. In 1899, only seventy-five North Carolina mills performed both spinning and weaving, but during the next twenty years the number increased from seventy-five to 107, while the number of looms rose from 23,992 to 70,784, 10.3 per cent of the total of the United States. Only two other states, Massachusetts and South Carolina, had a greater number than North Carolina.

The gain in the relative importance of more completely processed cotton wares is shown by the prominent position of North Carolina in certain woven products. Led by the great mills at

Greensboro, the manufacturers of North Carolina produced in 1923 more denims than those of any other state. The largest damask mills in the United States are located at Roanoke Rapids, and the largest towel mills in the world at Kannapolis. Massachusetts produced more ginghams than North Carolina in 1921, but the latter state regained its leading position in 1923. North Carolina was first in the number of square yards of plain shirting, blankets, quilts, cotton flannel, and ticks. It ranked third

WHITE OAK MILLS

in the quantity of sheeting, print cloth, and lawns and muslins. In the amount of drills and striped shirting it was in the fourth place.

Greater production of knit goods furthered the tendency toward diversification of industry. In 1899 North Carolina had but twenty-four knitting mills of all kinds. That number was exceeded by six other states and tied by Ohio. By 1923 the number of mills had increased to 109, which tied North Carolina with New Jersey for third place among the states. The value of North Carolina's knit goods in 1923, $36,759,413, was surpassed by that of five other states. The $26,306,671 worth of hosiery manufactured in North Carolina during 1923 consti-

tuted 71 per cent of the total value of all knit goods. The 15,608,046 dozen pairs constituted a total quantity second to that of only one other state.

The Tobacco Industry

The growth of the manufacture of tobacco in North Carolina from 1900 to 1925 was a continuation of the movement already noted, which had attained much of its present character before the end of the nineteenth century. In the course of two decades, 1900-1920, North Carolina rose from seventh place to first among the states in the value of tobacco products. In 1899 the tobacco manufactures of North Carolina were valued at $14,609,660; by 1909 the state had climbed to third place with a total value of tobacco manufactures of $35,987,000; and by 1914 to second place with products valued at $57,861,000. Then came the World War and the enormous growth of cigarette smoking which carried North Carolina to the leading position in the industry. In 1919 the value of all the tobacco manufactured in the state was $259,823,790, 87.2 per cent of which were cigarettes and cigars. North Carolina's output represented 25.6 per cent of the total value of all tobacco products in the United States. The state's relative position in 1923 was even higher, her $264,218,000 worth of cigars and cigarettes and her $31,568,000 worth of chewing tobacco, smoking tobacco, and snuff together constituting 28.3 per cent of the total manufactured by the entire country. The preponderant value of cigarettes shows the extent to which they have displaced chewing and smoking tobacco in the favor of consumers. In 1923 North Carolina manufactured slightly more than half the cigarettes of the country and more than one-third of the smoking tobacco.

The economies of large-scale production were fully exploited. Machine methods, integration of plants, concentrated control, and unified marketing reduced the number and greatly increased the size of operating units. The effectiveness of machines in the manufacture of cigarettes was proved in the eighties of the last century. As early as 1883 James B. Duke cut the price of cigarettes from ten cents a package to five cents in order to

secure a market for the accumulated products of the improved machines which had been invented by James Bonsack. In the report of the tobacco industry incorporated in the census of 1900, John H. Garber wrote: "Four cities, namely, New York, N. Y., Richmond, Va., Durham, N. C., and Rochester, N. Y., produce about 94 per cent of all cigarettes manufactured in the United States, and practically all are machine made. . . . Everything, from the stemming of the leaf to the payment of wages to the employees of the factory is done by machinery. In a modern cigarette factory the prepared tobacco and the

R. J. REYNOLDS TOBACCO COMPANY

[Insert in lower right corner shows the original Reynolds factory built in 1875.]

sheets of paper used for wrappings are fed to machines which cut the paper into proper size for the wrapper, gum its edge, measure the exact quantity of tobacco needed for each cigarette, wrap it, make the edges of the wrapper adhere, cut the ends, and pack the cigarettes in boxes . . ." This trend was confirmed during the ensuing quarter of a century. The increase of production in North Carolina was accomplished by fewer establishments using greater capital and more workers. In 1899 ninety-six establishments, producing goods ready for consumption, employed 6,583 wage-earners, 2,071 primary horsepower, and $7,045,000 of capital, and produced goods valued at $14,000,000; in 1919 products worth $259,824,000 were manufactured by

twenty-nine establishments employing 14,256 wage-earners, 7,221 primary horsepower, and $127,383,000 of capital. The still greater values of 1923 were created by twenty-six establishments manned by 13,956 wage-earners.

North Carolina tobacco manufacturers participated in the consolidation movement of the last quarter of the nineteenth century. James B. Duke was the founder of the American Tobacco Company, which he organized in 1890. By 1893 its control was thought to extend to 93 per cent of the cigarette production of the country. "In 1907 the American Tobacco Co. controlled 74 per cent of the cigarette trade, 70 per cent of the smoking tobacco, 81 per cent of the chewing and 89 per cent of the 'little cigar' trade of the country. It purchased from 70 per cent to 80 per cent of all the leaf tobacco used for domestic consumption." When the Supreme Court of the United States held in 1911 that financial control of such proportions was contrary to the public interest and ordered dissolution, the interests of the "trust" were divided among nine great companies. Two of these, Liggett and Myers Company and R. J. Reynolds Tobacco Company, maintain their largest plants in North Carolina.

Furniture and Lumber Products

In 1925 the industries manufacturing lumber and allied products ranked third in the state in the value of products and second in the number of persons engaged.

Although the furniture industry showed promise in the last decade of the nineteenth century, its greatest progress was made after 1900. Three small plants operating at Charlotte, Mebane, and High Point in 1885 indicate the modest beginnings of an industry which in more recent years has been exceeded only by that of textiles and tobacco. In 1890 six factories with combined capital slightly above $125,000 produced furniture worth less than $160,000.[12] By the end of the century the rise of the industry in the South was clearly under way. In 1899

[12] *U. S. Census of 1900*, VIII, 661.

forty-four factories in North Carolina, employing 1,759 wage-earners, $1,023,374 of capital, and 2,691 primary horsepower, turned out products valued at $1,547,305. Steady growth during the first fourteen years of the century raised North Carolina to ninth place among the furniture-producing states. This position was attained in 1914 in respect to both the value of products, $9,335,000, and the average number of wage-earners, 5,801.

In spite of the growth in importance of the furniture industry within North Carolina, the state's contribution to the furniture production of the nation as a whole remained comparatively small. The products of the state represented 3.5 per cent of the total value of furniture manufactured in the United States. In 1919 North Carolina had moved to eighth place with 7,910 wage-earners in 107 establishments and an output of $29,725,000. The increase in the value of products over 1914 is exaggerated by the inflation of prices during the World War. The state's production constituted 5.2 per cent of the total value of the furniture production of the nation. The deflation of 1921 brought a decline of the value of furniture products in North Carolina to $23,339,000, but in 1923 the industry recovered and reached a new high point of $40,072,577. Thereafter in relation to the other states, North Carolina maintained approximately the same position. During 1925-26 there were in the state 109 furniture factories with a combined capital of $16,182,195, with plants worth $15,003,354, with 17,933 primary horsepower, and with an annual output of $55,709,848. The total number of employes was 12,794; they received in wages the sum of $10,856,166.

Analysis of conditions favorable to the development of furniture manufacture in North Carolina reveals the importance of labor, climate, accessibility of raw materials and markets, and nearness to complementary and allied plants. Intelligent, readily trained white workers who accept a fifty-five hour week enabled managers to avoid labor troubles more effectively than in certain other parts of the country. Owners have been disposed to install labor-saving machines and to introduce efficient methods. Such stands of suitable timber as are available in the United States are largely favorable to manufacture in this

region, for 75 per cent of the hardwood of the country is in the southern states.[13] The manufacturing centers of North Carolina are well served by the Southern Railway Company. Nearby textile mills create a local market for finished goods and absorb some of the female laborers who are not required in furniture plants. The marketing of products has been facilitated by the construction at High Point of the Southern Furniture Exposition Building, which was opened in June, 1921. Its ten stories

HIGH POINT'S FACTORY DISTRICT

provide 208,000 feet of exhibition space, which is surpassed only by the Chicago Furniture Mart opened in 1924. Exhibitions in the building at High Point are carried on throughout the year, and some 1,500 dealers attend the semi-annual shows.[14]

Progress of the furniture industry was supported by the manufacturers of allied lumber products. The logging camps, saw mills, planing mills, veneer plants, cooperage mills, and box

[13] Charlotte *Observer, Carolina Industrial Special,* March 2, 1928, 6.
[14] *Ibid,* 1.

and crate factories produced together a greater total value of products than the furniture factories and employed more wage-earners.

During the last decade of the nineteenth century, North Carolina greatly expanded her production of lumber. The number of establishments and the value of products were increased by more than 100 per cent, and their combined output was

PLANT OF CHAMPION FIBRE COMPANY

valued at $14,862,593. With the increasing importance of the South as a source of timber, North Carolina continued to increase production until 1919. The condition of the lumber industries in 1919 reflected the reduction of forests and the reorganization of society to meet the needs of war, and North Carolina had fallen from fourth to seventh place as a producer of lumber. Decline continued after 1919. In 1923 the state was eleventh in the quantity of sawed lumber. The number of establishments had fallen from 2,952 in 1914 to 738. They employed 24,107 wage-earners, and turned out products valued at $58,812,469,

which represented but 2.5 per cent of the total of the United States.

The Lesser Industries

The balance between the greater and lesser industries of the state, which had been attained at the end of the nineteenth century, stood substantially unchanged in 1923. The degree of specialization prevailing in 1900 was modified little during the years that followed. In 1899 textiles, the wood-using industries, and tobacco manufactures employed 60,288 wage-earners, representing 83.4 per cent of the total number, and had a combined output worth $62,526,000, or 73.3 per cent of the value of all manufactures. In 1923 the corresponding percentages were 82.3 and 80. The major industries employed 142,992 wage-earners and produced goods the total value of which was $761,425,000. Miscellaneous lesser industries made up the remainder. Although they declined slightly in the relative value of total products, their development was comparable to that of the greater manufactures. Bread and bakery products, ice cream, cottonseed oil, fertilizer, and printing and publishing were among the lines which were greatly extended. The largest aluminum plant in the world was built at Badin. The most notable decline was in the production of turpentine and rosin. The number of establishments specializing upon the latter products, dwindled from 174 employing 630 persons in 1899 to 14 employing 41 persons in 1919. The carriage and wagon business bore part of the burden of the revolution in transportation. The 138 plants in which 1,629 persons were engaged in 1909 had fallen to 17 establishments employing 662 persons in 1923.

Labor Organizations

Industrial development inevitably produced labor problems and controversies between employers and employes. A strike of textile operatives in Alamance County in the fall of 1900 focused the attention of the state upon certain fundamental issues in the field of labor from which North Carolina had theretofore been free. Following the discharge of an operative and the request

by employes that a superintendent be discharged, the Thomas M. Holt Manufacturing Company issued a notice on October 3 that members of a union would not be employed after October 15.[15] This challenge of the right of association was accepted by labor. Most of the operatives in the county were members of the National Union of Textile Workers. By October 17 only two of the twenty large mills could operate with a full force of workers.[16] The National Textile Labor Union sent down an agent to encourage and aid the strikers.[17]

The employes charged the owners with countenancing rough and brutal treatment of women and children by a "boss weaver." They resented the denial of their right to organize. They claimed that the employers used organized power against the workers by circulating blacklists of the strikers, thus securing refusal of employment to those who applied to mills in Gibsonville, Durham, Raleigh, and Fayetteville.[18] The owners took their stand against trade unions. They denied brutal treatment and blacklisting.[19] They maintained that after the organization of the union, discipline among employes had become slack and that costs of production had risen. The methods of the strikers were attacked. Intimidation of strike-breakers, including threats of whipping and the derisive cries of "Scab!" by women and girls, and the presence of "agitators," intensified the bitterness of the conflict.

At the end of October about five thousand strikers were still out. But they were without funds. Their leaders were ineffective. Other mills seemed to be closed to them. Moreover, the owners had from the first the advantage of a dull season which made the partial stoppage of work not altogether unwelcome to them. Before the end of November the failure of the strike was clear.

The crushing failure of strikes in North Carolina, and other southern states, during 1900, hastened the collapse of the labor

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[15] *News and Observer*, October 5, 1900.
[16] *Ibid*, October 18, 1900.
[17] *Ibid*, October 31, 1900.
[18] *Ibid*, October 18, 1900.
[19] *Ibid*, October 20, 1900.

movement in the state and nearly two decades intervened before the revival of textile unionism. Indeed, investigators from the United States Department of Labor in 1907-1908 found unions in only one place in North Carolina.[20] The campaigns of organization undertaken by the United Textile Workers in the South during the years 1913-1918 were not extended to North Carolina because of its strongly anti-union sentiment.[21] In 1919, however, this stronghold of individual bargaining was again attacked. The national union placed seventy charters in the South between September, 1918, and September, 1919, forty-three of which were in North Carolina.[22] In March, 1919, occurred a widespread strike and lockout in the region of Charlotte, which continued for three months. It was finally adjusted by committees of the unions and the manufacturers "on an open shop basis, with reinstatement without discrimination, a fifty-five hour week with the old sixty hours' pay, abolition of the bonus, and free house rent for the duration of the lockout."[23]

The success of unionism was as shortlived as the post-war prosperity. The depression following the crisis of 1920 made it impossible for effective organization to survive. A disastrous strike against reduction of wages in 1921, which involved some eight or nine thousand workers in North Carolina and South Carolina, so crippled the union that not a substantial local was left at the end of the year.[24] Efforts by the American Federation of Labor and the United Textile Workers to secure reorganization late in 1921 failed completely. In spite of occasional attempts at recovery since that time textile unions have been unable to build up their strength.

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[20] *The Cotton Manufacturing Industry; New England and the South* by George E. Newby, Jr., unpublished MS. of an M. A. thesis at the University of North Carolina, 129.

[21] *Textile Unionism in the South,* by George S. Mitchell, MS. in the Institute for Research in the Social Sciences, University of North Carolina, 84.

[22] *Ibid,* 95-96.

[23] *Ibid,* 101.

[24] *Ibid,* 112.

The organization of unions in other industries and trades achieved recognition of the principle of collective bargaining, but not general success in the application of that principle. Formation of successful unions in the tobacco industry was handicapped by the high proportion of unskilled negro workers. The furniture industry's long dull season, which often continues from late spring until August, makes it easy for employers to lay off without pay the "agitator" or the "misled union sympathizer" who might constitute the nucleus of an unacceptable organization. The influential unions of railway shopmen, clerks and station employes were broken by failure of the strike which was called for July 1, 1922, and disintegrated early in the fall of that year. Scattered local unions achieved some success in occupations more limited in their scope, such as printing and publishing, the building trades, barbering, and plumbing, and these form the bulk of the members of the North Carolina State Federation of Labor, which was organized in October, 1905. Meetings of the State Federation were suspended after 1910 until 1915, since which time its state conventions have met annually.

CHAPTER XLVIII

THE BASIS OF WEALTH

The basis of the economic structure, discussed in the preceding chapter was the varied natural resources of North Carolina. Between 1900 and 1925 these sources of wealth underwent rapid development.[1] In his Speech of Acceptance, 1900, Aycock, forecasting the results of the elimination of the negro from politics, linked together the "material, intellectual and moral upbuilding of the state." "Industry will have a great outburst," he predicted. ". . . The morning of the new century calls. There is work to be done. Our industries are to be multiplied, our commerce increased."[2] The close of the first quarter of the new century saw a far more complete realization of this prophecy than the prophet himself could possibly have anticipated.

Economic Development

The record of North Carolina's economic development during this period reads more like a fairy story than sober history; it must be told through the cold figures of the United States census reports to be credited. In 1925 the state's leading industries were cotton goods, tobacco manufacturing, lumbering, and furniture production.[3] First in importance was cotton manufacturing in which North Carolina ranked second only to Massachusetts. In 1923 the industry employed 5,509,000 spindles and 81,000 wage-earners, who turned out products valued at $326,000,000. Next came the manufacture of tobacco, in which

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[1] In addition to the authorities cited in the preceding chapter the following bear on the economic history of the state from 1900 to 1925: Boyd, *The Story of Durham: City of the New South* (Durham, 1925); Winston, George T., *A Builder of the New South: Daniel Augustus Tompkins* (New York, 1920); *The South's Development: Fifty Years of Progress* (Baltimore, 1927).

[2] Connor and Poe, *Life and Speeches of Charles B. Aycock*, 226-227.

[3] *North Carolina Commerce and Industry*, vol. 2, no. 8 (Published by the Extension Division of the University of North Carolina, Chapel Hill).

North Carolina held first rank among the states, producing goods to the value of $295,000,000. Lumber and furniture, though ranking a poor third and fourth to cotton and tobacco, were next in importance. These two industries combined employed 33,600 workers whose products were valued at $94,000,000. The four industries mentioned were merely the leaders; the minor industries, including knit goods, fertilizers, cotton seed oil, leather, and a great variety of others, manufactured products aggregating in value $236,000,000.

However, it is not so much the grand totals, as it is the enormous economic expansion within the quarter-century under discussion that is impressive and significant. Between 1900 and 1923 the number of wage-earners in North Carolina's industrial establishments increased from 72,322 to 173,687; the wages paid from $14,000,000 to $127,000,000; the value of raw materials used from $45,000,000 to $380,000,000; and the value of output from $85,274,000 to $951,910,000. Other values, particularly agricultural properties, increased in like proportion. Between 1900 and 1925 the total value of farm property in the state jumped from $233,000,000 to $1,250,000,000 and the value of farm products from $89,000,000 to $513,400,000; that is to say, in the value of farm property North Carolina moved upward from the fifth place among the former Confederate States to fourth place and in the value of farm products from fourth to second, being surpassed only by the empire state of Texas. In 1900, in estimated true value of all property, $682,000,000, North Carolina ranked seventh in the same group; in 1923, with property estimated at $4,500,000,000, her rank was third, following Texas at some distance and treading closely on the heels of Virginia. Even more remarkable was the increase in her per capita wealth. In 1912, on a basis of estimated true value, per capita wealth was $724; in 1922, $1,703. Although ranking sixth among the former Confederate States in this respect, North Carolina's gain of 135.2 per cent during the decade was the highest of any state in the Union.[4]

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[4] *University News Letter*, vol. X, no. 20 (Published by the Extension Division of the University of North Carolina, Chapel Hill).

The best index of the state's economic development was the increase in her bank resources. In 1914 they were $153,114,000, in 1924, $474,117,000—an increase of 209 per cent; during the same decade the bank resources of the country as a whole increased 101 per cent. "These comparative percentages, so startlingly in favor of North Carolina," says Professor C. T. Muchison, "have a double significance. In the first place they are a tribute to the competency and enterprise of the state's banks as an industry in themselves. In the second place, and this is a matter of even greater moment, they stand as the best possible evidence of the amazing growth of the state's economic activities as a whole. The most significant characteristic of North Carolina banking is not size, but rate of growth. The velocity of increase, twice that of the country at large, cannot be explained by price increases, by population increase, or by increase in the number of banking institutions, by shifting of trade routes or commercial centers, or by diversion of banking funds. It is exactly proportionate to North Carolina's economic growth within herself. In this spectacular economic growth, the state's banks have been a leading force. They are at the same time a splendid result."[5]

The development which has been discussed was due primarily, of course, to investments of private capital; nevertheless, there is another side to the story in the part played by the state itself, through its various agencies charged with the duty of pointing out the immense natural resources of the state. By the collection and publication of scientific data on forests and streams, soil and climate, flora and fauna, these agencies aroused widespread interest in, and shaped legislation on problems of conservation and development, and their careful surveys and publications of accurate information on water-power, forestry resources, soil values, and climate were undoubted factors in the economic development of the state.

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[5] *Commerce and Industry*, op. cit., vol. 1, no. 9.

Hydro-Electric Power Development

One of North Carolina's chief natural resources is her water-power. The streams of the state have a potential development of 2,000,000 horsepower. By 1925, with a total of 579,000 horsepower developed, North Carolina ranked fourth among the states in this particular.[6] The development of hydro-electric power in North Carolina was begun by the Fries Manufacturing and Power Company, which built during the nineties a plant on the Yadkin River, about fifteen miles from Winston-Salem, from which by 1897 it was furnishing power to the factories and public utilities of that city. It was "the first electrical transmission plant established in North Carolina."[7] In 1904 was organized the Southern Power Company; by 1927, under the guidance of James B. Duke, it had developed into a $200,000,000 corporation which had built on the Catawba River "at least 10 hydro plants, with a total capacity of about 850,000 horsepower," serving the Piedmont section of North Carolina and South Carolina. During this same period the Carolina Power and Light Company, "built largely upon consolidations of power properties begun by local capital and taken over by the company after failure or after experience had demonstrated an inability to give adequate service," was supplying power to eastern North Carolina and South Carolina and to the Asheville district. Between 1914 and 1927 the Tallassee Company, a subsidiary of the Aluminum Company of America, completed on the Yadkin River near Badin two plants having a capacity of 121,000 horsepower, and a third plant on the Little Tennessee River in western North Carolina with an output of 96,000 horsepower.

As hydro-electric power plants arose along the banks of rivers, "factories began to appear; spreading, they have covered

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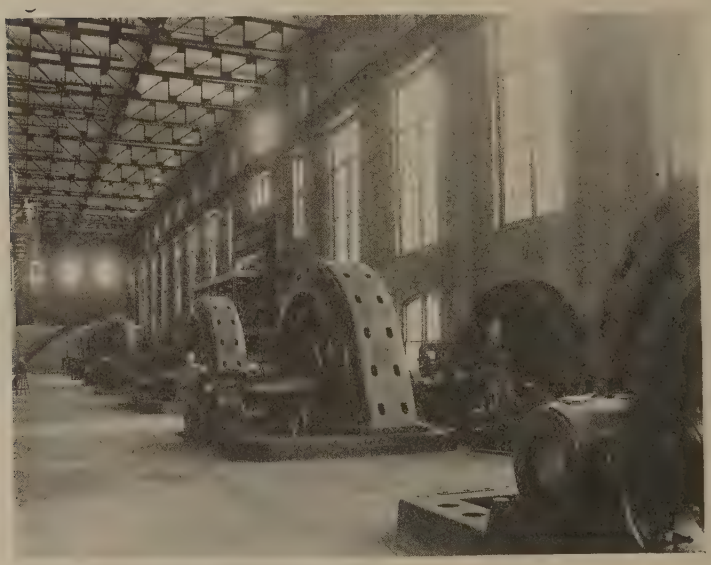
[6] This account of hydro-electric development is taken chiefly from Thorndike Saville's *The Power Situation in the Southern Appalachian States* (reprinted from the issues of April 21 and 28, 1927, of the *Manufacturers' Record*); and Jenkins, *James B. Duke*, ch. 13.

[7] Blair, W. A., "Henry Elias Fries" *(Biographical Hist. of North Carolina,* III, 154-155).

Blewitt Falls



Blewitt Falls Generating Station

the state, following the lengthening transmission lines in each case. Year by year, the demand for hydro-electric power increased and development after development took place. . . . Industrial development has followed hydro-electric development so closely that it may be said that they are traveling hand in

CAPE FEAR STEAM ELECTRIC GENERATING STATION

hand. Following industrial development, there has come development in schools, roads, and standards of living. . . ."[8] The distribution of power to every village and rural community, as Professor Saville truly says, is "an economic and social factor of the first order" in the history of North Carolina.

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[8] *The Power Situation in North Carolina,* by Thorndike Saville, Charles E. Ray, and G. Wallace Smith. (*Circular* no. 16 of the North Carolina Department of Conservation and Development).

Forestry Resources

Second in importance only to its water-power, are the forestry resources of the state. Of its total of 31,000,000 acres, 21,000,000 are still in timber of some kind. Nevertheless, by 1925, floods, fires, unscientific exploitation and waste had created a serious threat to the state's wealth in her forests. From 1899 to 1919, the lumber interests in the state increased rapidly; after 1919 they declined. The number of lumber plants dropped between 1919 and 1923 from 2,957 to 738, and the value of their output from $69,000,000 to $54,000,000.

In 1916 the state received an impressive lesson in the necessity of forest conservation when a great flood swept through central and western North Carolina with disastrous results. "There has been," reported Governor Craig to the Legislature of 1917, "no such swell of waters since the country was settled by the white people. The flood gates of heaven were lifted and the deluge poured down. The sides of the mountains were torn loose. The valleys were flooded by raging torrents. Trees, crops, buildings, roads, railroads, and the land itself were swept away. Animals could not escape, and many human beings were lost. The homes and fertile valleys by the rivers were destroyed. The rich bottom lands of the Yadkin, the Catawba and tributaries were turned to desert wastes." The state responded promptly and generously to the aid of the stricken communities. Governor Craig appointed a State Relief Committee to act in co-operation with local committees; and this committee raised approximately $100,000 by popular subscription, to which Congress added $540,000; all destitution was relieved, and despite the vast property losses, the governor was able to report to the Legislature, "There has been no suffering."[9]

The lesson of this disaster was not lost on the state. Forestry experts attributed it in part at least to the deforestration of the mountains through forest fires and unscientific cutting by lumber companies; and Governor Craig in his message called the

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[9] *Message to the Legislature of 1917 (Public Letters and Papers of Locke Craig,* 53).

attention of the General Assembly to the need for further legislation in the interest of conservation. Said he: "The lumbermen should be controlled by laws for the economic use of the forest. Destruction by fire should be prevented. . . . The sources of supply of the rivers that water the plains and turn the wheels of industry can be protected and conserved. Ruinous floods can be to a large extent prevented."[10]

Accordingly, the state began to tighten up its conservation laws, reorganize its forest service, and through its various agencies, to put on campaigns of education in conservation, fire protection, and reforestration. By 1925 the State Forest Service, operating under the Geological and Economic Survey, covered thirty counties and administered its protective functions through 2,500 forest wardens who, in that year alone, fought and extinguished 1,062 forest fires.[11]

Conservation

The state and Federal governments cooperated in the work of conservation. In western North Carolina the United States created four national forests—Cherokee, Nantahala, Pisgah, and Unaka—embracing altogether about 500,000 acres. In 1911 the Legislature excepted from the public lands thrown open to entry White Lake, Black Lake, and Waccamaw Lake in order that they may "always remain the property of the state of North Carolina for the use and benefit of all the people of the state."[12] In 1925 it accepted from the United States a deed of gift to Fort Macon Military Reservation, to be developed into a state park and preserved as "a place of unique historical importance;"[13] and two years later it accepted from Judge Thomas B. Finley a similar gift of 140 acres "on the summit of Rendezvous Mountain in Wilkes County, to be used as a state park in commemoration of the historical events connected with the use

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[10] *Public Letters and Papers of Locke Craig*, 53.
[11] *North Carolina Manual of 1927*, 144.
[12] *Consolidated Statutes of 1919*, ch. 128, sec. 7544.
[13] *Public Laws of 1925*, Resolution 42.

of this mountain by the North Carolina soldiers during the Revolutionary War."[14]

Much the most interesting of such examples of conservation by state effort is Mount Mitchell State Park. This park and the mountain which it embraces appropriately bear the name of Professor Elisha Mitchell who, in 1857, lost his life on the mountain while attempting to verify his previous measurements, by which he had proven it to be the highest peak in North America east of the Rockies, and who is buried on its summit. Towering 6,711 feet above sea level, Mount Mitchell is one of the most striking natural phenomena in North Carolina. Its sides are covered with a virgin growth of luxuriant spruce or balsam which adds greatly to its beauty and grandeur. As long as it remained private property, wholesale cutting by lumbermen, followed by destructive forest fires, threatened to destroy its beauty and to leave it a vast ruin. To prevent such a disaster, the Legislature of 1915, upon the earnest recommendation of Governor Craig, appropriated $20,000 for the purchase of its summit to be preserved as a state park.[15] In 1917 Governor Craig reported that the purchase had been made and recommended the enactment of the necessary legislation for its development. The Legislature carried his recommendation into effect and thus saved the mountain to the state and nation. "But for the purchase by the state," said Governor Craig, "the whole of Mount Mitchell would be a barren waste. Now, as far as this majestic mountain, . . . can be seen, the dark green of its summit is descernible above the ruin."[16] Thousands of people visit Mount Mitchell every summer and pay tribute to the distinguished scientist who from his resting place on its summit keeps eternal vigil over the commonwealth whose great natural resources he was the first to describe adequately.

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[14] *Public Laws of 1927*, ch. 194.
[15] *Consolidated Statutes, op. cit.*, ch. 113, art. 3.
[16] *Message, op. cit.*, 53-54.

The "New Wonderland" of the Great Smokies

The conservation movement in North Carolina reached its climax in the plans for the establishment of the Smoky Mountain National Park.[17] In December, 1924, a commission of experts, appointed by the secretary of the interior to study the Southern Appalachian Mountains for the selection of scenic areas to be included in the national park system, reported that it had found "many areas which could well be chosen, but the committee was charged with the responsibility of selecting the best, all things considered. Of these possible sites the Great Smoky Mountains easily stand first, because of the height of mountains, depth of valleys, ruggedness of area, and unexampled variety of trees, shrubs and plants."

In the Great Smokies the Appalachian Mountain System reaches its climax. Besides Clingman's Dome, 6,680 feet—only thirty-one feet lower than Mount Mitchell—the proposed Smoky Mountain Park contains four named and seven un-named peaks that tower above 6,000 feet. "Over a goodly part of the range," writes Horace Kephart, "the primitive forest still stands in all the majesty of many hundreds of years of growth. It is the most varied forest in the world today. There are 136 species of native trees and 174 species of wild shrubs." Here stands "the last hundred square miles of uncut primeval forest, just as it stood, save for new growth, when Columbus discovered America." No part of the United States is better adapted by nature for fishing and game preserves. In its crystal clear streams, dashing down numberless waterfalls, may be found the native brook trout and the introduced rainbow trout; while the nearby rivers are alive with black bass and muskellunge. Ruffed grouse abound and the wild turkey, "America's noblest game bird," though rarer, would quickly reestablish itself in large flocks if properly protected. The Great Smoky range could easily be restocked with elk, buffalo, and deer which were originally found here in vast numbers. The black bear, "an inof-

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[17] Summarized from Horace Kephart's *A National Park in the Great Smoky Mountains* (Bryson City, 1925).

fensive beast, wise and very elusive," reaches here his fullest development. Here, too, "is a country for mountaineering enthusiasts who glory in matching their own wits and muscles against Nature and fighting her to the limit of human endurance."

It was the threatened destruction of this "New Wonderland," —to adopt Kephart's term—by commercial exploitation that aroused public interest in its preservation as a national park. "It will all be destroyed within ten or fifteen years," wrote Kephart in 1925, "if the Government does not take it over and preserve it intact so that future generations may see what a genuine forest wilderness is like." Accordingly, in 1925, following the report of the park commission, Congress passed an act authorizing the establishment of the "Smoky Mountain National Park," to be developed and maintained by the Federal government, provided title to the necessary land be given to the United States. The proposed park is to take in a total area of 428,000 acres, about equally divided between North Carolina and Tennessee. Thus, although the project was generally recognized as national in its scope, these two states were most directly concerned, and were expected to take the lead in the matter. The North Carolina Legislature at its special session in 1924, therefore, created a Southern Appalachian Park Commission to represent the state in the matter; and the Legislature of 1927 authorized the issuance of $2,000,000 of bonds for the purchase of the necessary lands in this state.[18] Tennessee authorized the expenditure of $2,500,000. In both states these public funds were supplemented by private subscriptions, and in 1928 the Laura Spelman Rockefeller Memorial added $5,000,000 to become available when the two states of North Carolina and Tennessee had raised a like amount. This condition, however, had not been met by North Carolina at the time of this writing (April, 1928) and Horace Kephart's question, "Shall the Great Smoky Mountains become a National Park or a desert?" had not been finally answered.

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[18] *Public Laws, Extra Session of 1924*, 177; *Public Laws of 1927*, 53-64.

North Carolina's Playgrounds

Among the natural resources of North Carolina which have been most thoroughly exploited must be mentioned climate. Such state agencies as the Department of Agriculture, the Board of Health, and the Geological and Economic Survey, as well as dozens of chambers of commerce and private and commercial enterprises, have undertaken to inform the world of the state's equable climate and rainfall. An annual mean temperature of 59 degrees and a fairly uniform rainfall, added to great scenic beauty and a system of 6,500 miles of improved roads, make North Carolina a good outdoor state. In one section or another, hunting, fishing, rowing, golf, tennis, polo, riding and motoring, may be enjoyed in every month of the year. As a result of these factors, together with its proximity to the great urban centers of the country, North Carolina developed during the period under discussion into one of the nation's great resort states. Beaufort, Morehead City, and Wrightsville Beach on the coast, Aberdeen, Southern Pines, and Pinehurst in the interior, and all of western North Carolina, became famous playgrounds. Illustrative of the rapidity of this development is the fact that between 1920 and 1925 upwards of $25,000,000 were spent in North Carolina in the construction of new hotels, bringing the total value of hotel property up to $50,000,000;[19] by 1925 the "wretched taverns" of the colonial traveler had given way to "hotels in every small city that cannot be excelled anywhere." Typical of these resort centers are Pinehurst and Asheville.

"The Sand Hills of North Carolina a few years ago," wrote French Strothers in 1925, "had reverted almost to primeval wilderness. The descendants of the Highlanders who came with Flora MacDonald in 1776 [1774] still cultivated the creek bottoms of this region, but the creek bottoms were narrow and the descendants were few. The hillsides all about them were clothed in 'blackjack' oak or second growth pine, the spindling succes-

[19] Article by Ben Dixon McNeill on hotel development in *News and Observer*, Jan. 23, 1927. See also *Commerce and Industry, op. cit.*, vol. I, no. 7.

sors of the noblest hardwood forests of America. Lumbering had been the big industry, but the timber was exhausted. The lumbermen had built logging railroads into this region and now were hard put to it to find other freight for their roads to carry. They tried cotton and they tried tobacco. Peaches proved to be the answer. Beautiful and luscious, they regained this lost paradise to the service of man. Around Pinehurst and Aberdeen and Southern Pines grew up an industry famous throughout the land. Pine stumps have given way to peach trees upon thousands of hillside acres, and this acreage is rapidly increasing.

"A 'Yankee' philanthropist, looking for a site for a winter resort less expensive to reach than Florida, heard of the Sand Hills; and what Pinehurst now means to most people outside North Carolina is the result—a playground of unexampled magnitude. Mr. Tufts, who made it that, was the inventor of the soda fountain. He used part of the millions he had made from this invention to make of Pinehurst a place where poor people could go for recuperation. Due to its ideal climate and easy accessibility, Pinehurst, under his son, Leonard Tufts, has become one of the world's great resorts."[20]

As long ago as 1842, Governor Morehead, urging the Legislature to open up western North Carolina with a system of highways, declared that "improved highways will be additional inducements to the citizens of other sections of our state to abandon their usual northern tours, or visits to the Virginia watering places, for a tour more interesting among our own mountains, much cheaper, and much more beautiful—a tour in which they will inspire health in every breath and drink in health at every draught." The fulfillment of his prophecy, long delayed, had been realized by 1925. "Asheville," wrote Strothers in 1925, "is known the world over as a great resort." Yet Asheville is only one of a dozen such recreational and health centers in the North Carolina mountains; indeed all western North Carolina, with its excellent hotels, camping sites, golf

[20] "North Carolina's Dreams Come True" *(World's Work*, November, 1924).

courses, artificial lakes, and network of modern highways, had become by 1925 the great summer playground of the South.

The State Takes a Hand

The state itself through its several agencies, old and new, had a large share in the developments that have been discussed. In 1927 there were in active operation sixteen state departments, boards and commissions charged with such functions, most of which had been created since 1900. Obviously only a few of the most important of them can be discussed here, and very briefly at that.[21]

The oldest of these agencies is the State Department of Agriculture, whose history links up with the organization of the first local agricultural societies in the state formed about 1810. In 1819 the State Agricultural Society was organized, and in 1822 the policy of state aid to agriculture was adopted by the appropriation of $5,000 a year for the purpose, to be administered through a State Board of Agriculture. For many years the activities of these organizations were spasmodic, but they created a public sentiment favorable to state aid in the development of agricultural resources that found expression in the Constitution of 1876, which required the Legislature to establish a Department of Agriculture, Immigration and Statistics. This mandate was carried into effect by the Legislature of 1877. From that time forward the work of the department expanded rapidly. Besides its numerous technical functions, it was charged with many duties relating to the exploitation and development of the natural resources of the state. This work it carried on through its extension service, embracing among other things home demonstration clubs, boys' corn clubs, farmers' institutes, demonstration farms, soil surveys, an experiment station, an excellent museum of natural history, and a monthly bulletin of wide circulation. In 1923 it moved into a handsome

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[21] For brief accounts of the creation, functions, and expansion of these agencies see Durham, *Plan of Reorganization of State Departments, Boards and Commissions; North Carolina: the Land of Opportunity;* and various editions of the *North Carolina Manual,* 1913-1927.

building in itself typical of the modern state, which the department had done so much to develop.

The State Department of Conservation and Development "traces its activities through a background of a hundred and one years of efforts in making known and encouraging the use of the natural resources of the state."[22] Such a department was first suggested by Professor Denison Olmsted, of the University of North Carolina, in 1821. In 1824-1827, in cooperation with Professor Elisha Mitchell, he prepared and the State Board of Agriculture published several reports on the geology of the state—"the first efforts toward a geological publication by any state in the Union."[23] They were followed by other similar publications and led to the creation in 1850 of the office of State Geologist. In 1905 this office was consolidated with the State Geological and Economic Survey, established in that year. After twenty years of effort, the Survey had to its credit an excellent record of scientific achievements and a rather impressive series of bulletins on the varied natural resources of the state. A desire to place the work on a more permanent basis and extend its activities led to the consolidation by the Legislature of 1925 of the office of State Geologist, the State Geological Board and the State Geological and Economic Survey into the new Department of Conservation and Development.

Two other similar state agencies, created after 1900, were the North Carolina Audubon Society and the State Fisheries Commission Board. The former, chartered in 1903, was charged with the enforcement of the state's game laws and the development of public interest in the protection and preservation of wild life. The latter grew out of the fact that although North Carolina has the largest area of inland waters of any state in the Union her fishing industry rapidly declined between 1900 and 1915. During this period enforcement of laws regulating fisheries was left to local authorities. But local interests in the fishing areas were so conflicting that the laws were not enforced, private fishermen's "wars" were frequent, and the industry suffered. In 1915, therefore, the state asserted its

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[22] *Manual of* 1925, 138.

[23] Boyd, *History of North Carolina*, 100.

"exclusive jurisdiction and control" over all fisheries in the state and established the State Fisheries Commission Board to adopt and enforce rules and regulations for the conduct of the business and the development of the industry.

An agency of somewhat different character, and yet concerned with the economic development of the state, is the State Department of Insurance. Created in 1899 to administer and enforce the insurance laws of the State, it gradually expanded its functions to embrace the regulation of building and loan associations, Morris Plan banks, and other investment com-

BUILDING OCCUPIED BY STATE DEPARTMENT OF AGRICULTURE

panies. As a revenue-producing agency, the department more than justified its existence; before 1925 it collected and turned into the state treasury more than $10,000,000. But the collection of revenue was among its least important activities. Its outstanding achievements were its educational campaign for a saner public attitude toward investment companies; the reduction of fire losses through the enforcement of a strict building code, the training and equipment of fire companies, and the education of the public in fire prevention; and a thoroughly modern code for the regulation of investment companies, aimed not only to protect investors but also to encourage the organization and

development of such companies. Illustrative of the results accomplished is the growth of domestic insurance companies and building and loan associations. In 1900 there were in North Carolina only seven domestic insurance companies, with aggregate assets of $750,000; in 1923 there were eighty-eight, with assets aggregating $39,000,000, and with $171,650,000 of insurance in force. The assets of building and loan associations increased from $80,000 in 1904 to $50,000,000 in 1925. Not all, of course, but certainly much of this growth and the corresponding growth of other investment companies, may be traced to the constructive work of the Insurance Department. Interpreted in terms of economic independence, home-ownership, improved dwellings, safer schoolhouses and other public buildings, reduced fire losses, and town-building, these facts have a vast social as well as economic significance.

The Contributions of Higher Education

Among the state's agencies in this work must be listed the institutions of higher education—the University of North Carolina, the North Carolina State College of Agriculture and Engineering, and the North Carolina College for Women. Each of them, in its own particular field, made itself an instrument for serving not merely its own student-body but the entire people of the state. Leadership in this work was taken by the University. Reopened in 1875, the post-bellum University under the administrations of Kemp P. Battle, George T. Winston, Edwin A. Alderman, and Francis P. Venable, passed through a severe struggle for existence, from which by 1914 it had emerged as an excellent liberal arts college of the standard type.

In 1914 Edward Kidder Graham was called to the presidency. Using the tool his predecessors had moulded to his hand, and conceiving of it as "the instrument of democracy for realizing all the high and healthful aspirations of the state," he launched it upon a wider sphere of usefulness.[24] During the administrations of President Graham, 1914-1918, and his successor, President Harry W. Chase, the University developed a

[24] For an elucidation of his idea see his inaugural address, *The Function of the State University* (Chapel Hill, 1915).

unique extension service, not quite like that of any other university in the country. It had no specific extension faculty; its extension work consisted in actually "extending" to non-resident students its regular courses through its regular staff of investigators and teachers. In this work it functioned through its normal machinery of lectures, laboratories, libraries, research, and publications, thus placing all of its varied agencies of scholarship at the service of the state in the solution of its peculiar problems of business, rural and urban life, commerce, education, health, and social development. And the people of the state responded. In 1925, French Strothers was impressed by the fact that "In few states do the people draw so directly their vision of the next step forward from their institutions of learning. The University of North Carolina, at Chapel Hill, is more than a picked battalion of youth shining their intellectual armor at the feet of learned men. . . . The University is really a great service bureau for the state, eager to serve, and eagerly sought for its counsel. Every informed person in North Carolina ascribes much of the wonderful progress of the state in the last two decades to the vision and influence of Chapel Hill."[25]

State Finances

The support of the various social and economic agencies described in this and the preceding chapter, called for constantly increasing expenditures; between 1901 and 1925, therefore, the expenses of the state increased by leaps and bounds.[26] In 1901, disbursements from the general fund totaled only $1,685,557.81; by 1925 they had reached $13,026,567.29.[27] While the ordinary operating costs of the state government mounted considerably during this period, the greater part of the increased expenditures is accounted for by the ever expanding state program of social and economic activities. In 1901, public health, charity

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[25] *North Carolina's Dreams Come True, op. cit.*

[26] This account of state finances is based on the messages of the governors, the reports of the state treasurer, and of the budget commissions, and the public laws.

[27] These figures, of course, do not include special funds.

and welfare work, education, and pensions called for a total expenditure by the state of $907,837.81, while these same activities in 1925 cost the state $8,364,420.19. During this quarter-century annual expenditures for public health work jumped from $2,017.13 to $506,653.33; for charitable and correctional institutions from $554,478.54 to $2,615,028.77; for public schools from $103,521.32 to $2,185,934.02; for higher education from $133,760.81 to $1,920,485.70; and for pensions from $111,605.50 to $1,061,434.50. In 1900 the total state and local expenditures for public schools were $950,000; in 1923, $22,079,000; North Carolina had moved up among the former Confederate States from the eighth to the second place, led only by Texas. The greatest advance made was in road building. Expenditures for this purpose in 1900 totaled $624,381, placing North Carolina sixth among her former Confederate sisters; in 1923, the expenditure of $36,148,000 placed her at the top of the list.

It was impossible to maintain and build the state's educational and charitable institutions, and her roads, out of current revenues without an intolerably heavy burden of taxation. The only practical solution of the problem involved the issuance of bonds for permanent improvements; but the memory of Reconstruction and its saturnalia of financial corruption made North Carolina lawmakers chary of bond issues, and for many years, whenever such a proposal was made, it was only necessary for the *News and Observer* to print in red letters across its front page Nathaniel Macon's favorite adage, "Pay as you go; if you can't pay, don't go," to send timid legislators scurrying to get from under. But finally there came into public life a new generation, who had but little reverence for the Maconian philosophy and to whom the Reconstruction Era was nothing more than a chapter in history. These forward-looking men, ashamed of the over-crowded schools and hospitals and of their dilapidated and inadequate buildings, and tired of bumping over rough roads, were not to be frightened by an adage. In the Legislature of 1917, therefore, such a group overthrew the traditions of a generation by pushing through that body an act authorizing a bond issue of $3,000,000 for the "permanent enlargement and improvement of the state's educational and charitable institu-

tions." Many of the leaders who were conspicuous in advocacy of this measure were reelected to the Legislature of 1919 and this manifestation of public approval encouraged subsequent legislatures to follow the example. After the World War came an enormous pressure upon the state's educational and charitable institutions. Between 1914 and 1921 the enrollment in the state institutions of higher education jumped from 2,352 to 3,246; in the normal schools from 2,968 to 3,449; in the public schools from 599,647 to 645,956; in correctional and charitable institutions from 4,849 to 5,443. To meet this situation and to equip these institutions for the demands of the new era, the Legislature of 1921, under the aggressive leadership of Governor Morrison, embarked upon an extensive program of building and expansion. From 1921 to 1925, inclusive, bonds were authorized for permanent improvements at the educational and charitable institutions to the amount of $22,437,500; for a building fund for public schools to the amount of $10,000,000; and for highway construction to the amount of $85,000,000. As a result of these issues and of other classes of indebtedness the public debt of the state soared from $6,527,770 in 1901 to $144,065,600 in 1926. Over against this enormous debt, however, the state could place in 1926 state-owned property valued at $189,986,564.

Despite constantly mounting expenses there was at no time any widespread or serious public demand for a cessation of the activities which called for them, or for a reduction of necessary expenditures. Not a single governor from Aycock to Morrison ever suggested to the Legislature that it should throw the gear of the state's machinery into reverse. In his study of the state, Strothers was struck by the fact that "Politics in North Carolina has been steadied and inspired by Aycock's vision. A people exalted by his ideals and purposes, knowing what they wanted and wanting only those things that were for the enrichment of the common life, have been content only with leaders who would carry out his dream. They have not had a demagogue in power since he showed them the true union of oratory and common sense and high purpose." Governor Morrison undoubtedly expressed the general sentiment of the people when he said in his Inaugural Address in 1921:

The Reactionary will whisper to the timid that this is a bad time to spend much money because of the depressed condition of our whole business life. Business is depressed, and we have recently suffered severe loss and shrinkage in values, but North Carolina is still rich enough to take humane care of its defective and unfortunate, to guard itself as far as an enlightened knowledge of preventive medicine will enable it to against sickness and suffering, to provide adequate schools for the training and education of its children, to build a system of roads suggested by sound business, and to do all other things reasonably necessary in the discharge of the high duties of a great State.[28]

The state, therefore, set itself to a consideration not of the curtailment of its program of development but of the means of raising the necessary money to carry it on.

The Problem of Taxation

During this period, accordingly, taxation was among the state's most urgent problems. The chief defects in the state's system of taxation were inadequate assessments, inequalities and discriminations, and the escape of some property from any taxation at all. Every governor from Aycock to McLean urged upon the Legislature the importance of finding remedies for these defects. During Aycock's administration the assessed value of property in the state was increased from $296,653,337 to $433,176,224. The adoption of state-wide prohibition in 1908 involved the loss of large revenues which had to be made up from other sources. Appropriations made in 1909 for the biennium 1909-1911 exceeded the revenues collected in the same period by over $300,000. "The state needs more revenue," declared Governor Kitchin in his message to the Legislature in 1911. ". . . The demands upon her treasury for worthy purposes are constantly increasing, with our increasing population and its increasing activity and progress. . . . The fundamental cause of the cramped conditions is found, in my judgment, in the undervaluation of the taxable property of the state." He reported the taxable value of property at $600,000,-

[28] *Public Letters and Papers*, 13.

000, and estimated the true value at $1,000,000,000.[29] The Legislature, however, took no adequate measures to meet the situation. In 1913, acting upon Governor Craig's recommendation, the Legislature submitted to the people a constitutional amendment which authorized the Legislature to segregate tangible from intangible property and to tax the two classes at different rates; but the people refused to ratify it at the polls.

Governor Bickett attacked the problem more seriously than any of his predecessors, not contenting himself with general recommendations, but working out specific reforms.[30] Acting upon his recommendation, the Legislature of 1917 created a Special Tax Commission "to make an extensive investigation" into the problem and report to the Legislature of 1919 "a comprehensive plan or plans of taxation." This commission took its task seriously and performed its duties with great thoroughness. Its plan, reported to the Legislature of 1919, embraced an effective scheme for a complete revaluation of property for purposes of taxation, an income tax amendment to the Constitution, and the creation of a Legislative Budget Commission. Governor Bickett, in an unusually able message, urged the Legislature to act favorably on these proposals. "Your one tragic blunder," he said, "your one unpardonable sin would be to go to sleep on duty and do nothing."

Of the trinity of reforms proposed, revaluation was, of course, the most important and the most difficult. For it a new machinery act was imperative. "The present Machinery Act," commented Governor Bickett, "tends to conceal rather than reveal the true value of property." Accordingly the Legislature passed the Revaluation Act of 1919, providing new machinery for listing property "at its true value in money." But to make such a revaluation without reducing tax rates would have worked an intolerable hardship on the people of the state; the act, therefore, provided that the new assessments should not be used as a basis of taxation until they had been approved by the

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[29] *Public Documents of 1911*, 3-4.

[30] Governor Bickett's messages on the subject are printed in his *Public Letters and Papers, passim.*

Legislature; and the Legislature pledged its word to the people that the revenue collected in 1920 from the general property tax under the new assessments should not be more than ten per cent greater than the revenue collected in 1919. Popular faith in the correctness of the principle of the Revaluation Act is reflected in the results. "In the new Machinery Act," declared Governor Bickett, "the people were for the first time seriously asked to tell the truth, and they have responded to this appeal in noble fashion. From every quarter of the state word has come that the people are happy to get away from the old system of concealments and evasions, and to let the exact truth about their property stand forth. . . . The values fixed are the crystallization of the sworn evidence of all the people. Taking the state as a whole, 75 per cent of the assessments were made at substantially the values sworn to by the owners of the property; 20 per cent were substantially increased, and 5 per cent were decreased."

The Revaluation Act, according to Governor Bickett, "was designed to do three things: 1. To make the tax books of North Carolina speak the truth; 2. To wipe out discrimination and inequalities between different classes of people and property; and 3. To find and place on the tax books property that has heretofore escaped taxation." To what extent did it accomplish these objects? It found and placed on the tax books 1,034,790 acres of land—an area the size of four average North Carolina counties—worth $40,000,000, never before listed for taxation. Instances of the elimination of discriminations and inequalities, some of which are cited by Governor Bickett in his message to the special session of 1920, are too numerous to mention in detail. "For the first time in our history," declared the governor, "tax values are true values." Real estate assessments were raised from $506,000,000 to $1,981,000,000; personal property from $426,000,000 to $813,000,000; the value of corporate property from $298,000,000 to $671,000,000; the value of solvent credits from $90,000,000 to $213,000,000; the value of public utilities from $138,000,000 to $315,000,000. The assessed value of all property was increased from $1,099,000,000 to $3,139,000,000—a total increase of $2,049,000,000.

The Legislature, meeting in a special session August 10, 1920, approved these assessments. At the same time it carried into effect the second recommendation of the Special Tax Commission, by formulating and submitting to the people a constitutional amendment which worked a drastic change in the state's fiscal policy. This amendment gave to the Legislature authority to tax incomes from whatever source derived at a graduated rate not to exceed six per cent; and limited the general property tax (except for school purposes) to 15 cents on the $100 valuation, not more than five cents of which should be devoted to state purposes.[31] The fundamental purpose of this amendment was to carry out an idea expressed by Governor Craig in his Inaugural Address in 1913 that "property in each community should bear the governmental expenses of that community, and that property of a general character should meet the requirements of the state."[32] It was practically a pledge to the local units of government that in the future all revenues derived from property taxes should be devoted to local purposes, while the revenues from incomes, inheritances, franchises, and similar sources should be used by the state. At the general election of 1920 the people ratified the amendment by a vote of 262,873 to 81,109.[33] Three years later another amendment was submitted and ratified by popular vote which may be considered an integral feature of the state's new fiscal policy; it provided that, except for certain specified purposes, the General Assembly should contract no new debt to an amount exceeding 7.5 per cent of the assessed value of the property of the state.[34]

With the fiscal policy of the state as to assessments, sources of revenue, and limitation of debt determined by these measures, it remained for the Legislature to work out a more efficient administration of state finances. In 1921 it created the Department of Revenue to administer and enforce the revenue laws,

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[31] Art. V, sections 1, 3, and 6.

[32] *Public Letters and Papers, op. cit.*, 16. See also his special message to the Legislature, *In Regard to Raising Revenue, ibid*, 18-21.

[33] *North Carolina Manual for 1921*, 327-328.

[34] Art. V, sec. 4.

and four years later a State Board of Assessment to supervise the assessment of property for taxation.[35] The Special Tax Commission of 1919 urged as the third of its trinity of reforms the creation of a budget system, and Governor Bickett strongly endorsed its recommendation. Accordingly, the Legislature passed an act creating the Legislative Budget Commission. Although this commission was of some service, its organization rendered it generally ineffective. State expenditures continued to be in excess of revenue, and by 1923 the state found itself facing a deficit variously estimated at from two to five millions of dollars, but which turned out to be nearer ten millions. To meet this situation Governor McLean recommended the creation of an executive budget and the Legislature of 1925 responded favorably. It passed the Executive Budget Act, the purposes of which were stated to be "to vest in the governor of the state a more direct and effective supervision of all agencies and institutions of the state; for the efficient and economical administration of all such agencies and institutions; and for the initiation and preparation for each session of the General Assembly of a balanced budget of state revenues and expenditures."[36] The governor was made director of the budget and given ample authority over the administration of the finances of the state. In 1927 Governor McLean was able to present to the Legislature the first balanced budget in the history of North Carolina.

As a result of the financial measures which have been described, despite the growing expenditures and the enormous increase in the state's debt, the credit of the state was on a solid foundation and her securities found a ready market at good prices as the quarter-century under discussion drew to its close.

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[35] *Manual of 1927*, 126-131.

[36] *Public Laws of 1925*, ch. 89.

CHAPTER XLIX

THE EDUCATION OF A RURAL DEMOCRACY

The most pressing problem of the new commonwealth was the problem of education, for in 1900 educational conditions, in many respects, were more discouraging and less wholesome than they were in 1860.[1] Few features of public education had escaped the blight of partisan politics; politicians having learned during the Reconstruction period how to exploit the public schools for partisan purposes were reluctant to give them up as spoils of political victory. The results of the Civil War had created a bi-racial problem which seriously retarded the development of a public school system. Bankrupted by war and its aftermath, the state found it difficult to support an adequate school system and the Supreme Court's construction of the tax provisions of the Constitution decreased or entirely cut off possible sources of revenue.[2] Often, too, the public schools were victims not only of political but also of sectarian interests. Exploited by political parties and disowned by the churches, they became the ragged orphans of the state, whom nobody cared particularly to befriend.

"The Forgotten Man"

Educational progress depended upon economic recovery. No adequate school system could be established until business had

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[1] This chapter is based primarily on the biennial reports and bulletins of the State Department of Education and the session laws, 1901-1927. Other accounts of the educational development of the period may be found in Knight, *Public School Education in North Carolina* and his *Public Education in the South;* Ashe, *History of North Carolina,* II; Hamilton, *History of North Carolina Since 1860,* ch. xvi; and Connor and Poe, *Life and Speeches of Charles B. Aycock.*

[2] See "School Support and Our North Carolina Courts," by Charles L. Coon (*North Carolina Historical Review,* III, 397-438. July, 1926).

readjusted itself to the new conditions and had resumed the orderly processes of production and exchange. The state had first to recover its economic stability. These changes were made slowly but steadily, and by the beginning of the twentieth century afforded a substantial basis for an increase in school revenues. Meantime, also, the race issue, which had checked the development of schools, had been met. The primary purpose of Reconstruction had been to give the ballot to the negro and the operation of the Reconstruction acts of Congress had been incidental to this one object. Passionate political feelings had been involved in the attempt and in the régime of riot and rascality that followed, the schools had fallen victim to the greed and corruption of adventurers. Conflicts over the elimination of the negro from politics had been fierce and demoralizing, and the education of both whites and blacks had fallen into neglect. But when the state in 1900 set up a constitutional requirement of literacy as a suffrage qualification, she committed herself to a policy of enlarging public educational opportunity for both races.

The restless discontent of the rural population was also a factor in hastening educational reform. The class consciousness of the farmers had been awakened and had found expression through such organizations as the Farmers' Alliance and Industrial Union. Although the principal motive of this movement was economic, it was also concerned with social and political reform. The Alliance insisted upon the necessity of the education of the masses, and urged its members to use their political power to secure better educational advantages for their children. Politically this movement developed into the Populist party which, as we have seen, gained considerable organized strength in the state. Educationally it was a movement of liberation, and by the close of the century its example had made it fashionable for all political parties to pledge more generous support to public schools.

Still another factor in educational development was the appearance of a new type of political and educational leaders. Belonging chiefly to a class hitherto largely inarticulate, they had become, as a result of the social and political revolution wrought

by the Civil War, conscious of opportunity and power, and viewed with impatience the educational backwardness of the masses. They attacked demagoguery in every form and sought to enlarge educational opportunities for all. Proclaimed by Alderman, McIver, Page, and Aycock, their philosophy of democratic education became a common faith. These leaders brought home to the masses more acutely than ever before the need for public education, and stimulated in them a willingness to sup-

WALTER HINES PAGE

port public schools. By the beginning of the present century, therefore, conditions were ripe for a forward movement in education.

The summons first came from Walter Hines Page. Although for many years a non-resident of North Carolina, Page knew his native state as few men of his time knew it. He had learned first-hand of its weaknesses, its callous and sensitive spots, and its other limitations, but he had learned also its strength, its resources, and its possibilities. In an address at the State Nor-

mal and Industrial College in 1897, he gave to the cause of education in North Carolina and in the South "that one thing which is worth armies to any struggling reform"—a phrase, so simple that all men could understand it, so apt that it stuck in the popular mind and moved men to action. He called his address "The Forgotten Man," and that phrase became and long remained the rallying cry of a crusade against poverty, ignorance and illiteracy, and all the ills which stalk in their wake.[3]

When Page was speaking in 1897, 26 per cent of the white people of North Carolina were illiterate, to say nothing of the dense ignorance that enveloped the negro race. Public education was not then an interest of the average citizen, and the tradition of education as a luxury and a privilege of the rich and well-born still lingered in North Carolina. The state was then spending only about 50 cents per capita for schools. Three years later, at the beginning of the period covered by this chapter, the total annual expenditures for public education were a trifle more than one million dollars. For a like sum the entire public school property in the state could have been purchased in 1900. More than five thousand one-teacher schools afflicted the educational life of North Carolina. The children of nearly one thousand school districts were without schoolhouses of any kind whatever. The average monthly salary of teachers was less than $24, and the annual school term was only seventy days. Only about 60 per cent of the school population of 650,000 was enrolled, and a little more than 30 per cent was in average daily attendance. There were only thirty public high schools supported by local taxation and not one of these was of standard grade. There were no school libraries. The state was spending annually only $16,000 for normal school work and only $65,000 for the maintenance of higher educational institutions. There was no compulsory attendance legislation; and no child labor laws had yet been enacted, although 18 per cent of the textile operatives were under fourteen years of age. Advocates of child

[3] Hendrick, *Life and Letters of Walter Hines Page*, I, ch. III. The address may be found in a little volume containing other addresses of Page's on kindred subjects entitled *The Rebuilding of Old Commonwealths.*

labor legislation conceived of it and education as twin phases of the movement for a more perfect democracy.

A Declaration Against Illiteracy

A new chapter in the educational history of North Carolina began with the inauguration of Aycock as governor in January, 1901. In his Inaugural Address he said: "On a hundred platforms, to half the voters of the State, in the late campaign, I pledged the State, its strength, its heart, its wealth, to universal education. . . . Gentlemen of the Legislature, you will not have aught to fear when you make ample provision for the education of the whole people. . . . For my part I declare to you that it shall be my constant aim and effort, during the four years that I shall endeavor to serve the people of this State, to redeem this most solemn of all our pledges."

It was known that if the people were to be convinced of the necessity for better educational facilities, the question must be discussed with them. Accordingly soon after his inauguration Governor Aycock, together with State Superintendent of Public Instruction Thomas F. Toon, began a canvass of the state in behalf of education. But there were serious obstacles in the way of such an undertaking. The state was large, and had no large centers of population; 80 per cent of its people lived in rural sections, and there were no funds for such a campaign as was necessary to reach them. This problem, however, was solved in 1902 through the work of the Southern Education Board, an organization of educational statesmen and philanthropists for the promotion of education in the southern states, which offered $4,000 annually for campaign purposes in North Carolina. In preparation for this campaign, at the suggestion of Charles D. McIver, chairman of the campaign committee of the Southern Education Board, Governor Aycock called a conference of educational workers to be held in the governor's office in February, 1902. Forty-three persons attended, representing every educational interest in the state, private and public, church and state. Governor Aycock presided. He was the one man in the state who could unite all factions, induce them to lay aside their differences, and join in a movement for the welfare of all.

This conference stated its purpose in "A Declaration against Illiteracy," issued in the form of an address to the people of the state. It called upon all patriotic citizens to aid in promoting "free public schools, open to all, supported by the taxes of all its citizens, where every child, regardless of its condition in life, or circumstances of fortune, may receive that opportunity for training into social service which the constitutions of this and other great states and the age demand." After setting forth the educational conditions in the state, the declaration continued:

> The facts should arouse our pride and our patriotism, and lead us to inquire whether the future will not hold this generation responsible for the perpetuation of conditions that have resulted in the multiplicity of small school districts, inferior schoolhouses, poorly paid teachers, and necessarily poor teaching; in twenty white illiterates out of every one hundred white population over ten years of age; in generally poor and poorly paid supervision of the expenditure of our meager school funds and of the teaching done in our schools; and, finally, in that educational indifference which is the chief cause of the small average daily attendance of about fifty pupils out of every hundred enrolled in our public schools.

A plan of campaign was outlined and a Central Campaign Committee for the Promotion of Public Education in North Carolina was created. The work of this committee, which was composed of Governor Aycock, Superintendent Toon, and Doctor McIver, was to plan systematic campaigns for local taxation, for the consolidation of school districts, for the building and equipping of schoolhouses, for longer school terms, and for larger salaries for teachers. Provision was also made for committees to collect, write, and distribute to every newspaper in the state weekly articles bearing on the problem of better schools, and to write to every minister in the state requesting him to preach a sermon on public education at least once a year.

A few days later, February 19, Superintendent Toon died of an illness contracted while canvassing the state in behalf of improved educational facilities, and the governor appointed James Y. Joyner, a member of the faculty of the State Normal

and Industrial College, to succeed him. The new superintendent thoroughly identified himself personally and officially with the reform movement and quickly won a place of leadership in education not only in the state but in the nation as well. He continued in office until his resignation in 1919, and to his wise leadership during those years much of the educational progress during this period was due.

The Campaign for Education

In June, 1902, the Central Committee opened headquarters in the state superintendent's office, with Eugene C. Brooks as executive secretary in charge of the campaign. Thus was launched the most unique campaign in the history of North Carolina. Men and women of every profession and business, of every political faith and religious belief, volunteered their services. Scores of educational rallies, attended by thousands of people, were held in every section of the state. In open-air meetings, in courthouses, in churches, in schoolhouses, wherever the people could assemble, they gathered to hear the most effective orators and debaters in the state discuss educational problems and policies. For the first time in the history of North Carolina politics yielded first place in public interest to education.[4]

In March, 1903, plans were made for another summer's work, even more extensive than the first. By June, seventy-eight of the ninety-seven counties in the state had planned educational rallies in connection with the township meetings which were required by law of the school officers. This almost universal response made a great impression; evidently the people of the state were in a mind at last to take education seriously, and accordingly editors, preachers, business men, and even politicians thought the time had come to crawl on the band wagon. The press gave almost as much space to stories of educational rallies as to lynchings and baseball. For the first time in the history of the state Superior Court judges instructed grand

[4] Connor and Poe, *Life and Speeches of Charles B. Aycock*, 122.

juries that it was quite as much their duty to investigate the condition of school-buildings as it was to investigate jails and poorhouses. By the close of the campaign, more than 350 educational rallies had been held in addition to the regular township meetings conducted by the county superintendents; seventy-eight counties had been reached; the number of local tax districts had jumped from fifty-six to 181; 300 weak districts had been abolished by consolidation; 676 new schoolhouses had been built. Moreover there had been a quickening of public interest in education among the people. The Southern Education Board continued its aid to the campaign work and other agencies lent support to the movement. The Woman's Association for the Betterment of Public Schoolhouses and Grounds, an organization formed at the State Normal and Industrial College in 1902, after Doctor McIver had called the attention of the women to the condition of the schoolhouses, rendered valuable service in cultivating a wholesome public sentiment for improvement and beautification. The campaigns of 1902-1904 stimulated an even more powerful though quieter campaign which continued for many years. In 1904 Superintendent Joyner declared that "a revolution upon this question of the education of all the people is well under way in North Carolina."

The Work of a Decade

The growth of sentiment for public education was evidenced in many ways and during the decade 1901-1910 was the basis for the remarkable educational development that was to come later. Legislative action reflected the public interest. Between 1899 and 1909 the annual appropriations for equalizing the school term were more than doubled. In 1901 the Legislature set aside October 12 as "North Carolina Day," to be devoted in all schools to the study of the history and resources of the state. The annual gathering of children, patrons, teachers and school officers to participate in these programs stimulated literary and historical interests among the people. In 1903 the Legislature directed that what was left of the old Literary Fund, amounting to $200,000, be used as a permanent loan fund to aid counties

in building and improving schoolhouses. As this fund gradually increased, it became the means of improving the physical equipment of more than one-fifth of the schools in the state. During the biennium 1912-1914 seventy-nine counties received loans from it and the total value of houses thus built or improved was nearly $800,000.

Legislative attention to school administration was also a significant means of increasing the effectiveness of the schools. Before 1903 the state superintendency of public instruction in

RURAL TOWNSHIP HIGH SCHOOL BUILDING

North Carolina was little more than a poorly paid clerkship, a condition produced by the reaction against the fraud and extravagance practiced in the name of education during the Reconstruction period. But in 1903 the salary of the superintendent was increased and appropriations were made to raise his department to an equality in dignity and equipment with the other departments of the state government. Unlimited authority was given the superintendent to issue at public expense bulletins on educational topics, and these bulletins, prepared by educational experts, were distributed in large quantities throughout the state. In 1905 the State Association of County Superin-

tendents was legalized and the counties required to pay the expenses of their superintendents while in attendance. Grants from the Peabody Education Board and the Southern Education Board enabled the state department of education to add to its staff a full-time supervisor of rural elementary schools. Later a supervisor of teacher-training was appointed.

One of the most significant phases of this educational revival was the establishment of institutions for teacher-training. In 1903 the State Board of Education was empowered to consolidate into five the seven normal schools for negro teachers, to improve their physical equipment, and to raise their standards; and Charles L. Coon, one of the most progressive school men in the state, was engaged to supervise their work. Between 1903 and 1907 three normal schools for white teachers were established—the Appalachian Training School at Boone in 1903; the Cullowhee Normal and Industrial School at Cullowhee in 1905; and the East Carolina Teachers' Training School at Greenville in 1907.

During this first decade of the century was laid the basis for the development of a system of public rural high schools. The Legislature of 1907 appropriated $45,000 annually for this purpose. In 1909 it increased the amount to $50,000, and two years later to $75,000. Since that time state aid for high schools has been quite substantial and the development of rural secondary education in North Carolina has been rapid. Between 1907 and 1911, 200 rural high schools were established in ninety-three counties.

The basis of all this development was the progress made in rural elementary education. Between 1901 and 1911 the annual expenditures for this phase of public education were increased from $1,018,000 to $2,126,000, and the value of rural school property from $1,146,000 to $3,094,000. During the same period, 3,450 new schoolhouses were built. Nearly a month was added to the length of the school term; school enrollment and average daily attendance were greatly increased; the salaries of teachers were doubled and those of county superintendents trebled. The number of special local tax districts was increased from eighteen to 1,167, and rural school libraries from 472 to

2,272. There was a large increase in the number of schools having more than one teacher and a noticeable improvement in school equipment. But educational improvement was not confined to the rural schools. Between 1901 and 1910, seventy-six towns and cities established school systems, and in 1910 the value of city school property was twice the value of all the school property in the state in 1900.

The chief result of this educational revival, however, was not the material development, but the reduction of illiteracy.

MODERN RURAL ELEMENTARY SCHOOL BUILDING

The percentage of illiteracy among the white population of North Carolina above ten years of age fell from 19.4 to 12.3, and among the negroes from 47.6 to 31.9. Among both races it dropped from 28.7 to 18.5. Other southern states showed a greater reduction of illiteracy among the negroes during these years, but no state in the Union showed a greater reduction of white illiteracy than North Carolina.

PUBLIC SCHOOL DEVELOPMENT TO 1925

The influence of the movement for better schools continued and gained strength as the years passed. During the decade

from 1915 to 1925 North Carolina made educational progress which, measured by her own past, was very remarkable. The minimum constitutional school term was increased from four to six months. Compulsory attendance and child labor legislation were strengthened, improvement in school administration and finance was made, more attention was given to the training and certification of teachers, the professional spirit of the teachers was stimulated, increased funds were provided by the state for equalizing educational advantages, facilities for secondary education were greatly expanded, and more attention was given to the building and equipping of modern schoolhouses.

In no respect was progress revealed more clearly than in the physical equipment of the schools. After 1903 the state participated directly in the building of schoolhouses through the loan fund, which increased rapidly from $200,000 in 1903 to $1,217,000 in 1925. The amount available annually for loans was about $250,000 and between 1903 and 1924 loans amounting to $2,849,525 were made from this fund. This scheme for building schoolhouses proved so popular that in 1921, in response to a public demand, the Legislature authorized a special bond issue of $5,000,000 as an addition to the fund; two years later it authorized another issue of $5,000,000, and in 1925 a third issue of the same amount for the same purpose. In 1928 the state was spending about $11,000,000 annually in the modernization of school buildings. Log schoolhouses had disappeared and the average value of schoolhouses had increased from $160 to $10,000. In addition to public aid for the building of schoolhouses, large contributions were made for negro schools from the Julius Rosenwald Fund, which went into more than six hundred schoolhouses and many homes for teachers. The total cost of these buildings was more than $3,200,000; of this amount the Rosenwald Fund contributed $500,000 and the negroes themselves about $500,000, the balance coming from white people in North Carolina and from public taxes. The state also made special appropriations to aid in the construction of modern schoolhouses for the Indian children of Robeson County. As a result of the movement for the improvement of schoolhouses, the total value of public school property in the state increased from

$1,146,000 in 1900 to $70,000,000 in 1925. In 1928 a single school building in Winston-Salem was valued at more than all the public school property in the state in 1900.

Another evidence of progress appears in the increased number of children who complete the work of the high school. In 1910 only one in every thousand pupils enrolled in elementary and high schools completed high school work; in 1925 one out of every seventy-seven was graduated from high school. The number of high school graduates increased from 510 in 1910 to 10,466 in 1925. In the latter year there were 701 high schools for white children and ninety-four for colored children. Considerable development in secondary education had been made since the passage of the first public high school act in 1907, and this growth was further stimulated in 1920 when the Legislature provided for the establishment of standard high schools in rural communities.

Interest in secondary education manifested itself also in the matter of accrediting the high schools. At the close of the school year 1925-1926 there were in the state 543 standardized high schools, public and private, urban and rural, white and colored. Of the 453 white schools all were public except forty-one; and of the forty-nine colored schools twenty-six were public. In connection with the high schools there was wide interest in the development of vocational education. Starting in 1917, when the Smith-Hughes Fund began to be used, instruction in vocational agriculture developed until in 1925 there were ninety-five white schools and twenty negro schools in which such instruction was given to 5,800 students. Home economics was given in 147 schools to more than 6,000 students, while in 246 there were enrolled in classes in trades and industries about 3,700 students.

During these years there was a decided improvement in the professional qualifications of county superintendents. Nearly everywhere the office ceased to be regarded as a political plum, and in all counties these school officers were employed for their entire time and for professional ability rather than political affiliation. However, improvement in the professional supervision of the rural schools, while steady, was not conspicuous. This work was begun in 1911 when $1,500 was appropriated

High Point High School

from the Peabody Education Fund to encourage county boards of education to employ trained supervisors. But this fund was exhausted by 1915 and it was not until 1919 that the Legislature made an appropriation to continue the work. Although up to that time twenty-five different counties had at one time or another employed supervisors, yet in 1919 there were in the state only six such officials. After 1919 rural school supervision was more fully encouraged, though by 1925 it had not become a fixed policy of the state. The state appropriated approximately one-half of the net annual salary of each county supervisor, but the matter of providing this service was discretionary with the county boards of education and only about one-fourth of the 100 counties had made the provision in 1925.

Important educational legislation characterized the Legislature of 1917. For the purpose of examining, accrediting, and certificating applicants for teaching positions in the state, it created a State Board of Examiners and Institute Conductors, consisting of three men and three women who were appointed by the governor. In addition to the examination and certification of teachers the board had direction of teachers' institutes. Prior to that time the state had no control of the certification of teachers, and qualifications for teachers were low; the effect of the legislation mentioned was to raise the standards; it marks one of the most advanced steps taken in education in recent years. In 1917, also, the Legislature created an educational commission to make a thorough study of the entire public school system, a survey of existing educational conditions, and a comparative study of the educational conditions of other states. In this work the commission secured the assistance of the General Education Board, which had for many years supplemented the resources of the state department of education, and which not only contributed a considerable sum of money to carry on the survey but also the expert services of members of its staff. Largely as a result of this study, improvements were made in the support of public education, in the training and certification of teachers, in the development of the county unit in school administration, and in the consolidation of school districts. The commission also recommended important changes in the composition of the State

Board of Education and in the method of selecting the state superintendent of public instruction, but since these reforms require a constitutional amendment they were not accepted. North Carolina, accordingly, still retains the *ex officio* State Board of Education and along with many other states continues to elect the chief state school officer by popular vote.

During the decade 1915-1925 there were important developments in the consolidation of small and weak school districts into larger and stronger ones, and in the transportation of school children. As a result of this movement the one-teacher and the two-teacher schools were greatly decreased in number. The tendency at the close of the period was toward the larger type of school, and toward the transportation of pupils by motor busses. In 1915 there were only six vehicles so used and only 150 children transported; in 1925 there were 2,500 vehicles in use and 90,000 children were being transported.

The people of North Carolina found that the work of educating a rural democracy is a costly undertaking. During the quarter-century since the inauguration of Aycock they increased their total annual expenditures for public elementary and high school work from $1,062,000 to $34,000,000. The total enrollment increased from slightly above 400,000 to 809,000; the per pupil expenditure for all educational purposes, therefore, increased from $2.74 to nearly $42. The total number of teachers increased from 8,320 in 1900 to 22,248 twenty-five years later. In 1900 the average length of the school term in days was 170 for the white children and 160 for negroes in cities, 76 for white children and 69 for negro children in rural communities; in 1925 the term was 177.6 days for white children and 172.5 for negroes in cities, and 137 for white children and 123.4 for negroes in rural sections.

The Education of the Negro

As the first quarter-century of the new commonwealth drew to a close there was evident a more wholesome sentiment in the state relative to the education of the negro than when Aycock championed that unpopular cause. As pointed out elsewhere,

Aycock was mindful of the needs of the negroes and was determined that the state should recognize its obligation to them. He became an earnest advocate of negro education and in his official and private life illustrated a high sense of justice and liberality on that question. In his stand he had the constant support of State Superintendent Joyner. Joyner's successors, E. C. Brooks and A. T. Allen, maintained a similar policy. Two other leaders in this work were Charles L. Coon and N. C. Newbold, both of whom, as superintendents of the State Normal Schools for the Colored Race, rendered conspicuous service to the state.

Throughout the period there was a gradual increase in public support of elementary and high schools for negroes. Better buildings and equipment and greater facilities for teacher-training were provided by the state. More than one-third of the counties provided supervisors of negro schools, paid in part by the Jeanes Fund and in part by state and county funds. The total salaries paid in the state for this work in 1928 amounted to more than $40,000 annually, 80 per cent of which came from public sources. Through the work of the Jeanes Fund, the Slater Fund, the Rosenwald Fund, and the General Education Board, in cooperation with state and county educational authorities, a better sentiment for the education of the negro was developed. Between 1906 and 1928 these agencies contributed $1,877,000 to promote the education of the negro in North Carolina. Through them were conducted campaigns for health, cleanliness, industry and thrift, community cooperation, better teachers and better schoolhouses.

Included in the list of high schools for negroes, already referred to, there were in 1928 thirty-seven county training schools, which, though aided by the Slater Fund and other sources, were supported mainly by public taxes. The agencies for the training of negro teachers included the Winston-Salem Teachers' College, which offered a two-year standard normal course and a four-year college course for elementary teachers, principals and supervisors, and a four-year college course for the training of home economics teachers; the Fayetteville State Normal School and the Elizabeth City State Normal School which offered two years of standard normal work; the Agricul-

tural and Technical College for the Colored Race, which offered courses for the training of teachers of vocational agriculture; and the North Carolina College for Negroes, located at Durham, in which courses were offered for the training of high school teachers. The Legislature in 1921, 1923 and 1925 appropriated $1,713,000 for permanent improvements at these institutions. In 1926-27 they had property valued at $2,716,500, received from the state for maintenance $207,675, and enrolled 2,567 students.

The State Superintendents

In all the movements for educational improvement from 1901 to 1925 the state was served in the superintendency by four men. Thomas F. Toon, elected in 1901, died in 1902. He was succeeded by James Y. Joyner, who came to the office from a professorship of English in the State Normal and Industrial College, and served until 1919, when he resigned and retired from active educational work. Eugene C. Brooks, who held a professorship in Trinity College, was appointed by Governor Bickett to fill out the unexpired term of Superintendent Joyner, and continued in the office until 1923, when he became president of the State College of Agriculture and Engineering. He was succeeded by A. T. Allen, who had been, since 1917, on the staff of the State Department of Education as a member of the State Board of Examiners and Institute Conductors. Joyner encouraged movements for local taxation, increased school terms, the training of teachers and superintendents, high schools, and increased state support. Brooks, while continuing many of the general policies initiated by his predecessor, worked reforms in the training and certification of teachers, in the formulation of a salary schedule based upon training and experience, and in the consolidation of schools on a county unit plan. Allen, who was still in office in 1928, followed the program mapped out by his predecessors, but laid especial emphasis upon increased state equalizing funds, better facilities for the training of teachers, and an increased minimum school term by constitutional amendment.

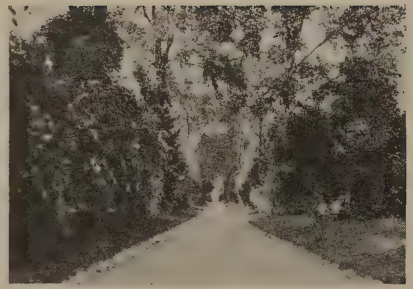
The Colleges and Universities

The development of higher education kept pace with elementary and secondary education. At the beginning of the period, the institutions of higher education, private, denominational, and public, were at a low ebb. Most of them were forced to struggle for existence. Those under private or denominational control were without substantial endowments and the public institutions were not liberally supported. With rare exceptions benefactions from private sources to institutions of higher learning had not yet found their way into North Carolina. The colleges not only lacked productive funds and public support for maintenance, but they were also quite deficient in buildings, libraries, and laboratories. Largely dependent upon tuition and fees for financial support, and upon poorly equipped preparatory schools for students, the colleges were forced by circumstances to maintain low academic standards.

The situation in North Carolina was typical of the South as a whole. With the dawn of the new century began an era of improvement. In 1895, through the initiative of Vanderbilt University, was organized the Southern Association of Colleges and Preparatory Schools, primarily for the purpose of improving their academic standards. In 1898 the Methodist Episcopal Church, South, and a little later the Presbyterian Church, established educational commissions to formulate entrance requirements and to classify colleges under their control. Work in this direction was also stimulated by the Carnegie Foundation for the Advancement of Teaching, whose report on standards of admission, made in 1907, drew sharp attention of college authorities here and elsewhere to the conditions surrounding higher education. The Carnegie investigations and report came with the opening of the campaign for public high schools, and the process of standardizing the higher educational institutions was shortly afterwards aided by a system of high school inspection. The plight of the colleges also attracted the attention of the Conference for Education in the South, which at one of its early sessions called attention to the strong appeal which the old and high spirited colleges and universities of the South could make

OLD EAST BUILDING
(Oldest University Building in America)

SOUTH BUILDING



WALK IN THE ARBORETUM

LAW SCHOOL BUILDING
(Manning Hall)

A MODERN RECITATION BUILDING
(Saunders Hall)

A MODERN DORMITORY

CAMPUS SCENES, UNIVERSITY OF NORTH CAROLINA
(America's Oldest State University, Founded 1789)

for "a generous share of the stream of private wealth in the United States that is enriching and vitalizing the higher education of the North and West." Finally came the work of the General Education Board, which soon began to appropriate funds to the colleges on condition that the institutions would themselves raise additional sums. North Carolina in common with other southern states shared in the results of these movements. By 1914, for instance, five denominational colleges in the state had received gifts amounting to $387,500, conditioned upon their raising additional sums. Accordingly Davidson College raised $300,000; Meredith College, $150,000; Salem Academy and College, $300,000; Trinity College, $1,000,000; and Wake Forest College, $150,000.[5]

In 1928 the state institutions of higher learning, for the whites, numbered three four-year standard colleges—the University of North Carolina, at Chapel Hill; the North Carolina College for Women, at Greensboro; and the North Carolina State College of Agriculture and Engineering, at Raleigh. Standard normal schools for the training of white teachers were the East Carolina Teachers' College, at Greenville; the Appalachian State Normal School, at Boone; and the Cullowhee State Normal School, at Cullowhee. In addition to these public institutions there were fifteen denominational or private colleges which maintained four-year standard courses, and several standard junior colleges and normal schools.

Improvement in the attitude of the state toward higher education may be seen in the increase in its support of its institutions. From 1901 to 1927 the biennial appropriations for the maintenance of normal schools and teachers' colleges were increased from $32,000 to $850,000. During the same period the increase for permanent improvements was from $5,000 to $600,000. Annual appropriations for the maintenance of the higher educational institutions were increased between 1901 and 1927 from $155,000 to $3,282,000, and for permanent improve-

[5] W. K. Boyd, "Some Phases of Educational History in the South Since 1865," in *Studies in Southern History and Politics* (J. W. Garner, editor), 274-76.

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ments from $95,522 to $2,140,000. In 1917 the Legislature made decided increases in appropriations for permanent improvements at these institutions; and again in 1921, 1923, 1925, and 1927.[6] The result was a remarkable expansion in enrollment, teaching staffs, and the educational programs of the various higher educational institutions of the state. During this period the State University was under the presidency of Francis P. Venable from 1900 to 1914, Edward K. Graham from 1914 to 1918, and Harry W. Chase after 1918. The presidents of the North Carolina State College of Agriculture and Engineering were George T. Winston to 1908, D. H. Hill from 1908 to 1916, Wallace C. Riddick from 1916 to 1923, and Eugene C. Brooks after 1923. Upon the death of Charles D. McIver in 1906, Julius I. Foust became president of the North Carolina State College for Women. Robert H. Wright has served as president of the East Carolina Teachers' College since its establishment in 1907.

The denominational colleges of the state show a similar record of growth and expansion. Between 1900 and 1925 the enrollment of Davidson College increased from 173 to 639, its faculty from eight to thirty-three, and its endowment from $90,000 to $667,000. During this period the college spent $825,000 in the expansion of its physical plant. Davidson was one of the beneficiaries of the Duke Endowment created in 1924, from which it derives a substantial income for maintenance. From 1901 to 1912 the college was served by Henry Louis Smith as president, and since 1912 by William J. Martin.

The Baptist Denomination in North Carolina has been especially aggressive in the founding and development of denominational schools. Wake Forest College is its oldest and most important educational institution. Under the leadership of William Louis Poteat, president from 1905 to 1927, the college not only made steady and uninterrupted progress in material things, but became widely and favorably known as a leader of liberal and progressive thought. In this respect its influence extended far beyond the bounds of the Denomination, and even of the

[6] *State School Facts*, May 15, 1926.

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state. During the quarter of a century under consideration its enrollment jumped from 307 to 716, its faculty from sixteen to thirty-seven, and its endowment from $275,000 to over $2,000,000. During this same period the Baptists of the state founded and developed the largest church institution for the higher education of women in North Carolina. Meredith College, at Raleigh, founded by the Baptist State Convention and chartered in 1891, was first opened to students in 1899. It began its career with a faculty of twenty-one, a student body of 215, and an endowment of nothing. In 1925 its faculty numbered forty-nine, its enrollment 457, and its endowment $465,000. Its first president was Richard T. Vann, under whose administration, 1900-1915, the college won a place of leadership in the higher education of women in the South. He was succeeded in 1915 by Charles E. Brewer. Under his direction the college grew rapidly, and in 1926 was compelled to abandon its old site in Raleigh and move to a larger campus just outside the city, in order to find room for expansion.

The most notable development in the denominational colleges from 1900 to 1925 was the transformation of Trinity College into Duke University. John C. Kilgo served Trinity College as president from 1894 to 1910, when he was succeeded by William P. Few, who was president at the time of its change of name and status. The Duke family had long been interested in the college and from time to time had made large and numerous contributions to its plant and its endowment. Indeed, through their generosity Trinity College, even before 1924, was one of the best endowed educational institutions in the South. In 1924 James Buchanan Duke made it one of the most heavily endowed universities in the United States.[7]

The Duke Endowment consisted originally of securities valued at approximately $40,000,000. Subsequent additions provided for in Mr. Duke's will, it is estimated, more than doubled the assets of the endowment. By the terms of the trust liberal provisions were made for the development of hospitals in North

[7] Boyd, *The Story of Durham*, 327-334. See also Jenkins, *James B. Duke*, chs. XX-XXI.

Carolina and South Carolina, for aid to orphanages, for pensions for retired Methodist ministers, and for the building and support of Methodist churches in the rural sections of North Carolina. But much the largest portion of the income was set aside for educational purposes. Of the original principal, $6,000,000 was to be used for the enlargement of the plant of Duke University. After the deduction of 20 per cent of the income from the residue, to be added annually to the principal, 32 per cent of the balance goes to the support of Duke University, 5 per cent to Davidson College and a like amount to Furman University at Greenville, South Carolina, and 4 per cent to Johnson C. Smith University, an institution for negroes at Charlotte. In his will Mr. Duke set aside $10,000,000, with instructions that $4,000,000 of it be used for the erection and equipment of a medical school, hospital, and nurses' home for Duke University, and the income from the remainder to go to the University's maintenance fund. Moreover the will provided for an additional $7,000,000 for university buildings.

Since the endowment is composed of a large part of Mr. Duke's holdings in the Southern Power Company and other great corporations, this trust, as Professor Boyd says, "linking together industrial resources and social welfare, is indeed unique. The endowment is the largest benefaction yet made for the exclusive benefit of the South and also the largest emanating from this region. However it represents no sudden conviction, but is the outgrowth of previous interests."[8] Mr. Duke's observations and experiences had convinced him that the chief need of the South is trained men, and his long associations with Trinity College naturally suggested that institution, with its fine record of freedom and scholarship, as a suitable instrument to supply that need. Thus the creation of this endowment marks a great forward step in the educational development of the South.

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[8] Boyd, *op. cit.*, 334.

CHAPTER L

THE VOICE OF THE NEW COMMONWEALTH

The development of intellectual interests in North Carolina did not keep pace with the material development of the state during the quarter-century ending in 1925. Speaking in Greensboro in 1897, Walter Hines Page said: "There are no great libraries in the state, nor do the people yet read, nor have the publishing houses yet reckoned them as patrons, except the publishers of school books." This statement, absolutely true in 1897, was relatively true twenty-five years later. By every test —library facilities, expenditures for books, circulation of reading matter, literary output—North Carolina's relative rank among the states in intellectual interests was extremely low as the period under discussion drew to a close.

Library Development

In 1922 only 35 of the state's 62 towns with populations ranging from 2,000 to 48,000 had public libraries, and no county-wide, tax-supported free library had been established in any county.[1] The total expenditures for public libraries were only $83,031, or 3¼ cents per capita of the population. Winston-Salem led the state with a library expenditure of 18 cents per capita, yet this was only one-fifth of the amount recommended by the American Library Association as necessary for efficient and sufficient library service. The state's sixty-seven public libraries contained only 200,000 volumes, and during that year

[1] This discussion of library conditions and development in North Carolina is summarized from two articles on the subject by Dr. Louis R. Wilson, viz., "The Use of Books and Libraries in North Carolina" in the *Journal of Social Forces*, Vol. I, No. 2, 78-86, Jan. 1923, and "Library Development in North Carolina" in the *North Carolina Library Bulletin*, Vol. 5, No. 6, 102-111, March 1923.

added to their collections fewer than one volume to each 100 people; in the number of volumes per capita North Carolina ranked forty-seventh among the states. The number of persons who used these libraries was 85,882, or one in every thirty of the total population.

Failure to use the public libraries cannot be explained as due to private buying, for as late as June, 1922 "summaries of sales throughout the cities and states as published monthly in *The Bookman* omit mention by specific name of statistics from North Carolina altogether." Page's statement of 1897, that publishers did not reckon North Carolinians as patrons, was still true in 1922.

Statistics of the circulation of periodical literature tell a similar tale. In 1922 North Carolina daily newspapers had a circulation of only one copy to every 13.5 inhabitants, as against an average for the country as a whole of one copy to every 3.6 persons; in this respect the state ranked forty-fifth from the top, being saved from a lower position by South Carolina, New Mexico, and Mississippi. In the circulation of three popular standard magazines the rank of the state was fortieth, forty-second, and forty-sixth, respectively.

Moreover, the lack of a book-buying, book-reading public is largely responsible for the meager literary output in North Carolina. An investigation made by Louis R. Wilson in 1922 into the sales of books by North Carolina authors on North Carolina subjects revealed the fact "that books like Hamilton's *Reconstruction,* Brooks' *North Carolina Poems,* Avery's *Idle Comments,* McNeill's *Songs Merry and Sad,* Poe's *Where Half the World is Waking Up,* and Connor and Poe's *Life and Speeches of Charles B. Aycock,* were sold in numbers ranging from 250 to 5,000, the latter being just one-half of the number of copies of Wheeler's *History of North Carolina* sold in the early 1850s."

There is, of course, another side to the story. Summarizing its main features, Doctor Wilson, writing in 1923, said: "While there were no tax-supported, free public libraries when Mr. Page made his address, there are 67 today, with a total of over 200,000 volumes. There were no school libraries in 1897. Today

between 500,000 and 600,000 volumes are in the keeping of rural schools and a beginning has been made in the careful upbuilding of high school libraries. In 1901 the circulation of all newspapers in North Carolina totaled 612,230; in 1922 it totaled 1,420,980, an increase of 131 per cent. In 1902 the Federation of Women's Clubs was organized, with a library extension department; in 1904 the North Carolina Library Association began operation, and in 1909 the state established the Library Commission to operate traveling and package libraries, and to promote every form of library activity. Nineteen hundred and twelve saw the organization of the High School Debating Union, which has involved from 10,000 to 20,000 high school boys and girls in the careful use of library materials, and today over 440,000 volumes are available for the use of the students enrolled in North Carolina colleges. In three instances county-wide library service has been provided, and a method has been demonstrated by which adequate library service can be provided for the entire citizenship of North Carolina."

The first step taken in library development was in the field of public libraries, in which the state led the way.[2] The State Library at Raleigh is one of the oldest of the state's institutions. It originated sometime in the early part of the nineteenth century in a miscellaneous collection of books which had accumulated in the various state offices. This first collection was lost when the State House was burned in 1831 and the present collection was begun with a copy of the first edition of Lawson's *History of North Carolina,* presented by James Madison to replace one destroyed in the fire. Years passed, however, before the Legislature manifested any interest in the library. By an act of 1837 the secretary of state was made *ex officio* state librarian at a salary of $50 a year. In 1840 the Legislature appropriated $500 for the purchase of books and then left the annual library appropriation at that figure for the next eighty years. The first increase came in 1921 when the appropriation was raised to $3,000; in 1925 it was made $12,500. Despite lack of legislative support the library officials succeeded in building up

[2] *North Carolina Manual,* 1927, 176-179.

a library which has contributed greatly to literary and historical interests in North Carolina. By 1927 the State Library, with its 53,117 books and pamphlets, and approximately 5,000 volumes of bound newspapers, had become one of the chief collections in existence for the study of North Carolina history.

In 1909 the Legislature created the North Carolina Library Commission for the promotion of library activities in the state.[3] The Commission placed its emphasis on (1) the reorganization of libraries already in existence; (2) the establishment and development of new libraries; (3) the operation of package libraries for the use of students and book clubs; and (4) a traveling library service to the 2,000,000 people of the rural sections for whom no other library facilities were available. In 1922 the Commission assisted nineteen communities in organizing public libraries; established 396 new traveling library stations; and operated a total of 1,045 traveling libraries and 4,034 package libraries. It loaned through its traveling and package libraries 229,310 volumes; by 1926 its loans had increased to 411,989. The Legislature gave generous support to the Commission, because, to quote Doctor Wilson, legislators came to look upon its collections as the library of the "one gallus man."

Local communities followed the example set by the state in the establishment of public libraries. In 1897, the same year in which Mr. Page made the statement above quoted, the city of Durham established the first tax-supported public library in North Carolina. Raleigh followed three years later with the Olivia Raney Library, a memorial gift to the city; and in 1902 Greensboro built the first Carnegie Library in the state, to be followed by Charlotte in 1903, and Winston-Salem in 1906. Other towns and cities fell into line and by 1922 there were sixty-seven public and semi-public libraries, containing a total of 213,408 volumes.

Simultaneously came the movement for the development of school and college libraries. In 1901, upon the initiative of the State Literary and Historical Association, the Legislature passed the Rural School Library Act, which provided for the

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[3] *North Carolina Manual*, 1927, 172-176.

establishment in rural public schools of $30 libraries containing an average of eighty-five books each. In 1903 a second act was passed providing for an addition to each of the original libraries of a $15 supplementary library averaging thirty-five volumes each. By 1926 such libraries had been established in 2,642 rural schools and contained 456,980 volumes. "Figures for high school libraries in North Carolina," wrote Doctor Wilson, in 1923, "are practically non-existent." Four years later there were 805 such libraries, which contained a total of 580,805 volumes. At the same time, thirty college and university libraries contained 575,000 volumes, the library of the University of North Carolina being in the lead with 153,781 volumes.

The Press

Similar results are seen in the development of the press. During the quarter-century, 1901-1926, there was a decrease in the number of periodicals, due to a tendency toward consolidation, with a resultant improvement in quality and increase in size and circulation. By the end of the period daily rural free delivery was carrying these periodicals into every nook and corner of the state, and their circulation had jumped from 612,230 in 1901, to 2,025,926 in 1926. During the period the leading dailies increased their size from eight to sixteen pages.

The press played an increasingly important part in stimulating popular interest in literature and history. Before 1900 literary happenings in North Carolina, unless coupled with some public holiday or other public occasion, were scarcely considered as news; after that date such events became competitors with politics, catastrophes, and murder trials for front page positions. About that time, too, several leading dailies, notably the Charlotte *Observer* and the *News and Observer*, began to play up special feature articles of a literary and historical character, thus affording a medium of publication and an audience for North Carolina writers. In 1900 the former attached to its staff Isaac Erwin Avery, and in 1904 John Charles McNeill, to whom it gave perfect freedom to write what and when and how they pleased. The result was Avery's column of "Idle Comments"

and many of McNeill's best poems. Later the *News and Observer* gave Nell Battle Lewis similar freedom, which resulted in "Incidentally"—a weekly column of the keenest satire on contemporary North Carolina life since the pen dropped from the hand of Josiah Turner. In 1909 the *News and Observer* began the publication of a monthly magazine supplement, the *North Carolina Review,* devoted to history and literature, which continued through 1913. The Greensboro *Daily News,* in 1921, essayed a weekly book page with such success that by 1922 its example had been followed by four other leading dailies. "Readers immediately began to be interested, and bookstores, usually dependent upon the sales of stationery, magazines, and less worthy books, began to report increased sales of books of the better sort."[4]

Before 1900 North Carolina had never supported a literary or historical magazine except spasmodically. The most ambitious of such periodicals, after 1865, were *The Land We Love,* edited at Charlotte by Gen. D. H. Hill, 1866-1869, and devoted preeminently to Civil War history; *Our Living and Our Dead,* established at Raleigh and edited by Stephen D. Pool and Theodore B. Kingsbury, 1874-1876, also primarily concerned with the history of North Carolina in the Civil War; and the *South Atlantic,* a monthly magazine of literature, art, and science, founded and edited at Wilmington by Mrs. Carrie A. Harris, 1877-1881. Financial difficulties drove each of these periodicals on the rocks after a brief struggle for existence.

Similar journals established after 1900 had a better fate. In 1901 the North Carolina Society of the Daughters of the Revolution founded the *North Carolina Booklet,* which rendered notable service to state history until 1920, when it ceased to appear regularly; it was finally suspended in 1926. In the meantime, January, 1924, the North Carolina Historical Commission began the publication of the *North Carolina Historical Review,* which by 1928 had won a high place among American historical periodicals. Two magazines of a somewhat different character established during this period were the *South Atlantic Quarterly*

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[4] Wilson, "Library Development in North Carolina," *op. cit.*

and the *Journal of Social Forces*. The former began publication in January, 1902, under the auspices of a scholarship society at Trinity College, with Dr. John Spencer Bassett as editor. Established as "a medium through which the younger generation of the South could express their thought," the magazine has made a large contribution to southern history and literature. The first issue of the latter journal, which is edited by Howard W. Odum, appeared in October, 1922. Ably edited, it has rendered a notable service to scholarship in North Carolina not only by the high quality of its work, but also by the courage with which it has maintained freedom of scientific research and teaching in the face of bitter and unintelligent criticism.

The *Journal of Social Forces* is issued from the University of North Carolina Press, the *South Atlantic Quarterly* from the Duke University Press. For many years the two universities had been issuing journals and periodicals, chiefly for the publication of the work of their own faculties. In 1922 they expanded their programs by the organization of the University of North Carolina Press and the Trinity College Press, the latter becoming the Duke University Press in 1925, for the publication of scholarly works that do not have an appeal to commercial publishing houses. Through them for the first time in the history of the South, southern writers have at their doors means of publication, adequately financed, equal to similar publishing agencies in other sections of the country. By 1928 the standards of scholarship and the mechanical makeup of their books had won for them recognition among the best American university presses.

History and Biography

In literary output the historians and biographers led the field. It was natural that the controversial questions and stirring events of 1861-1876 should stimulate interest in history and historical writings.[5] Among the writers of history who

[5] See "The North Carolina Historians" by Stephen B. Weeks in *Proceedings of the State Literary and Historical Association*, 1914, 71-86.

drew their inspiration primarily from the Civil War and its aftermath were Kemp P. Battle (1831-1919), Cornelia Phillips Spencer (1825-1908), Alfred M. Waddell (1834-1912), John W. Moore (1833-1906), William L. Saunders (1835-1891), Samuel A. Ashe (1840-), and Walter Clark (1846-1924). None of these were trained as historians, nor did any of them, except Battle, follow history as a profession. They wrote as a rule from patriotic impulse, and, as a critic has said, there are times when it is difficult to discover whether their statements rest on authority or tradition. "They had liberty, and sometimes used it with great freedom. Their culture was broad and their view was large. They were frequently weak on fact, but strong on interpretation. They understood the bearing of things, and translated dry details into living pictures of real life."[6]

In the new century appeared a group of historians trained in modern historical methods. Among them may be mentioned John Spencer Bassett, Stephen B. Weeks, Charles L. Raper, William E. Dodd, J. G. de Roulhac Hamilton, Henry M. Wagstaff, and William K. Boyd. Although not historians by profession, Archibald Henderson, Marshall DeLancey Haywood, Edgar W. Knight, and Charles L. Coon, must be included in this new group. "Their historical work, as published," says Doctor Weeks, "is far in advance of their ante-bellum prototypes in completeness of material used, in order, system, clearness of presentation, and impartiality of judgment."[7] They had but little respect for tradition; they demanded facts, and in the light of their researches many a cherished North Carolina tradition underwent a strange transformation. They differed from the older historians not merely in historical method, but also in their interest in social and economic rather than political and military history. Chiefly monographic, their work exhibits both the virtues and the faults of its kind. It is laborious, painstaking and usually accurate; but in its slavish devotion to the letter of documentary materials, it too often eliminates the human ele-

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[6] Pittman, Thomas M., "Stephen B. Weeks," in *Biographical History of North Carolina*, V, 434.

[7] "The North Carolina Historians," *op. cit.*

ment behind those documents. The writers scorned to draw upon the historical imagination and thus lost much of the spirit of history. Moreover their fear that any hint of literary style might call down upon them the awful anathema of being "unscientific," drove them to the production of work that is too often merely scientific and learnedly dull, rather than work that might lay claim to some of the charms of literature.

While the chief historical output of the period consists of monographs on special topics, it includes also several general histories. In 1880 appeared John W. Moore's two-volume *History of North Carolina.* Moore viewed his task in its narrowest sense; he wrote "a history of the political development of the state; he has little on religion, less on education and the intellectual life and practically nothing on economics." Moore's work was followed in 1908 by the first volume, and in 1925 by the second volume of Ashe's monumental history.[8] Of the first volume, Professor Bassett wrote: "It is a clear piece of narrative, carefully constructed from original sources, rather strong in its accounts of personal incidents, and weaker in discussions of social institutions." The second volume exhibits the same characteristics. As a whole the work is characterized by thoroughness of investigation, accuracy of statement, liberality of views and soundness of judgment. Its chief defect is the fidelity with which it follows a strictly chronological arrangement; one often loses the significance of important movements in a mass of unrelated incidents. In 1919 appeared a three-volume *History of North Carolina,* the first volume of which, covering the "Colonial and Revolutionary Periods, 1584-1783," was written by R. D. W. Connor; the second volume, covering "The Federal Period, 1783-1860," by William K. Boyd; and the third volume, "Since 1860," by J. G. de Roulhac Hamilton. The writers of these volumes followed a different plan from their predecessors; their effort was "to emphasize movements rather than events, ideals rather than men; orderly development rather than phenomena of antiquarian interest."[9]

[8] See "Samuel A'Court Ashe" by R. D. W. Connor in *North Carolina Historical Review,* Vol. III, No. 1, 132-135, Jan. 1926.

[9] Statement by W. K. Boyd in his "Preface."

It would be impracticable to mention all the excellent works dealing with special phases of North Carolina history produced during this period. A few of the most important are sufficient to illustrate the character of the general output. In education Battle's two-volume *History of the University of North Carolina* (1907-1912), Miss Cornelia Shaw's *Davidson College* (1923), and Knight's *Public School Education in North Carolina* (1916) are the most important. There is no adequate work on the religious development in North Carolina but several denominations have had their special historians. G. D. Bernheim wrote the history of the Lutherans, J. H. Clewell of the Moravians, W. L. Grissom of the Methodists, and C. B. Williams of the Baptists. Important works on political history were Bassett's *Constitutional Beginnings of North Carolina* (1894), Raper's *North Carolina: A Study in English Colonial Government* (1904), Wagstaff's *State Rights and Political Parties in North Carolina, 1776-1861,* and Hamilton's *Reconstruction in North Carolina* (1914), and his *Party Politics in North Carolina, 1835-1860.* North Carolina's contributions to the history of the westward movement is presented in Henderson's *Conquest of the Old Southwest* (1920). To the state's economic history Holland Thompson contributed *From Cotton Field to Cotton Mill* (1906), H. D. Dozier a *History of the Atlantic Coast Line Railroad* (1920), and C. K. Brown *A State Movement in Railroad Development* (1928). D. H. Hill's *North Carolina in the War Between the States,* published posthumously in 1926, is likely to remain for a long time the chief work on the military history of North Carolina in that struggle. Unfortunately the author died before he could complete the work.

Of historical literature of a controversial character, the "Mecklenburg Declaration of Independence" has furnished the chief theme. Besides a voluminous pamphlet literature, at least three books have appeared on the subject. George W. Graham's *The Mecklenburg Declaration of Independence, May 20, 1775, and the Lives of Its Signers* (1905) and J. H. Moore's *Defence of the Mecklenburg Declaration of Independence* (1908), uphold the authenticity of the Declaration, while William H. Hoyt's *Mecklenburg Declaration of Independence* (1907), takes the

contrary view. A book of considerable interest, belonging to this classification, is James A. Weston's *Historic Doubts as to the Execution of Marshal Ney* (1895), in which he undertakes to prove that Peter Stuart Ney, an itinerant schoolmaster, who lived in central North Carolina from about 1822 to 1846, was in reality the great marshal of France.

Biography was a favorite form of historical literature. Between 1905 and 1917, inclusive, appeared in eight volumes, the *Biographical History of North Carolina from Colonial Times to the Present,* edited by Samuel A. Ashe—the most ambitious undertaking in the nature of a biographical encyclopædia in the history of the state. In the preparation of the biographies, the editor sought the best writers available and produced a work of high literary and historical value. Writers of more elaborate biographies quite naturally turned for their subjects to the heroic epochs of the state's history. Among the biographies of colonial and revolutionary leaders may be mentioned Alfred M. Waddell's *A Colonial Officer and His Times: A Biographical Sketch of General Hugh Waddell* (1890); Marshall DeLancey Haywood's *Governor William Tryon and His Administration in the Province of North Carolina* (1903); and R. D. W. Connor's *Cornelius Harnett: An Essay in North Carolina History* (1909). The only distinctively North Carolina biographies of the Federal period, 1789-1860, are William E. Dodd's *Nathaniel Macon* (1903) and Burton Alva Konkle's *John Motley Morehead and the Development of North Carolina, 1796-1866* (1922), unless one may so class John Spencer Bassett's *Life of Andrew Jackson* (1911) and Robert W. Winston's *Andrew Johnson: Plebian and Patriot* (1927). Strangely enough, the Civil War and Reconstruction leaders have not greatly stimulated the interest of North Carolina biographers. This period is represented in the literature of the state only by Clement Dowd's quite inadequate *Life of Zebulon B. Vance* (1897), *Charles Force Deems* by his sons, E. M. and F. M. Deems (1897), and Hope Summerell Chamberlain's charming *Old Days in Chapel Hill: Being the Letters of Cornelia Phillips Spencer* (1926). It is illustrative of the dominant interests since 1900 that the most important biographies of the period should be *Life and Speeches of Charles*

B. Aycock (1912), by R. D. W. Connor and Clarence Poe; *A Builder of the New South: Being the Story of Daniel Augustus Tompkins* (1920), by George Tayloe Winston; *James B. Duke: Master Builder* (1928), by John Wilbur Jenkins; and Burton J. Hendrick's *The Life and Letters of Walter Hines Page* (1922-1925), and his *Training of an American; The Earlier Life and Letters of Walter Hines Page, 1855-1913* (1928). C. Alphonso Smith's *O. Henry Biography* (1916), treats of a man who was a North Carolinian only by accident of birth, and whose career touched the life of the state quite remotely. North Carolinians have not been given to personal memoirs and autobiographies, and these forms of literature are represented chiefly by Edward Warren's *A Doctor's Experiences in Three Continents* (1885), Wharton J. Green's *Recollections and Reflections* (1906), A. M. Waddell's *Some Memories of My Life* (1908), William W. Holden's *Memoirs* (1911), Mrs. Lizzie Wilson Montgomery's *Sketches of Old Warrenton* (1924), and Peter M. Wilson's *Southern Exposure* (1927). North Carolina biographers, however, have not confined themselves to North Carolina subjects. Edwin Mims published a *Life of Sidney Lanier* (1905); Henry G. Connor a *Life of John Archibald Campbell* (1920); Archibald Henderson *George Bernard Shaw; His Life and Works* (1911); and Josephus Daniels a *Life of Woodrow Wilson, 1856-1924* (1924).

State Aid to History

To a large extent the work of the new school of North Carolina historians was made possible by the aid and encouragement of the state.[10] The work of collecting and preserving historical records, begun by Archibald D. Murphey and later taken up by Swain and Hawks, was interrupted by the outbreak of the Civil War. Following the restoration of home rule in 1876 interest in this work was revived. In 1881, through the efforts of Secretary of State William L. Saunders, the Legislature passed an act authorizing the trustees of the State Library to publish at the expense of the state, "such number of volumes of suitable

[10] For the history of the state's efforts see "Historical Review of the Colonial and State Records of North Carolina" by Stephen B. Weeks, *Colonial and State Records of North Carolina*, XXX, Appendix.

MODERN STATE BUILDING

[Occupied by the State Library, the North Carolina Historical Commission, and the Supreme Court]

size, of the records, papers, documents and manuscripts as they may deem proper, bearing the date prior to the year 1781, belonging to the state of North Carolina." The results of this authorization were ten volumes of the *Colonial Records of North Carolina, 1663-1776,* edited by Colonel Saunders, published between 1886 and 1890; sixteen volumes of the *State Records of North Carolina, 1776-1790,* published between 1895 and 1905, edited by Walter Clark; and four volumes of index prepared by Stephen B. Weeks, published 1909-1914. The whole was a monumental undertaking, carried through upon a scope, and with a liberality of expenditure, exceedingly creditable to the editors and to the state.

In order to place the work of collecting, preserving, and publishing the state's historical sources on a more permanent basis, the Legislature in 1903 created the North Carolina Historical Commission. Within a few years after its creation, writes Professor Hamilton, "the Commission was ranked by experts as among the three or four best of such agencies in the United States, a position which it still maintains. By its publications, by its collections of material, and by the facilities it offered to investigators, it gave to North Carolina history a new position in the eyes of the world."[11]

North Carolina Orators

North Carolina oratory declined after the Civil War in quantity and, except with rare exceptions, also in quality.[12] Between 1865 and 1900, Matt W. Ransom and Zebulon B. Vance were preeminent among the state's orators. In dignity of manner, well-turned phrases, and lofty eloquence, Ransom stood first among his contemporaries. He reached his height in his speech on "The South Faithful to Her Duties," delivered in the United States Senate February 17, 1875, in which he endeavored to

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[11] "The Preservation of North Carolina History," by J. G. de Roulhac Hamilton *(The North Carolina Historical Review,* Vol. IV, No. 1, Jan. 1927).

[12] See "North Carolina Oratory" by J. M. McConnell, *Proceedings of the State Literary and Historical Association,* 1914, 111-115.

demonstrate that the South had accepted the outcome of the Civil War in good faith and was anxious for domestic peace and national unity. Ransom, however, lacked the freshness of thought, the inexhaustible vein of rich humor and homely wit, the warm human touch, the passionate fervor and the close reasoning that characterized Vance's oratory. In his published lectures, the best of which are "The Duties of Defeat" and "The Scattered Nation," Vance's rhetoric is a bit too fervid to suit the tastes of a later generation; in the United States Senate he took high rank as a debater; but neither on the platform nor in the forum were his powers as an orator so manifest as on the stump. "He is the greatest stump speaker that ever lived—the greatest that ever lived!" exclaimed Badger after hearing Vance in 1860.

In the period after 1900, the chief names in North Carolina oratory are Charles B. Aycock, Charles D. McIver, and Edwin A. Alderman. Aycock's chief characteristics as an orator were directness of thought, simplicity of language, aptness of illustration, and lofty idealism. In the power to lift men above the common things of life and move them to follow their best emotions and highest intellectual convictions, he stands unequaled among the orators of the state. These qualities are best illustrated in his "Speech of Acceptance," his "Inaugural Address," his speech "In Defense of His Administration," and his speech on "Universal Education." The best efforts of Charles D. McIver have not been printed. Careless of literary style, and never speaking except with a particular purpose in mind, McIver derived his powers as an orator from a buoyant personality, an abounding physical and mental energy, and the fervor of a crusader. His best orations are the brick and mortar and spirit of a great educational institution. If McIver wielded the battle-ax, Alderman quite as certainly flashed the rapier. Perfection of delivery, literary finish to the minutest detail, a "certain richness of feeling," and withal keenness of thought—these are the qualities that distinguish Alderman's oratory and give him rank among the first of contemporary American orators. His eulogies of McIver, Aycock, and Woodrow Wilson are among the best of their kind in the English language.

The Story-Tellers

History and tradition have furnished the themes for the best native fiction, but North Carolina life has not been so adequately interpreted in fiction as in other forms of literature.[13] In fiction, outside the range of the short story, the historical novel holds the field almost alone, and even in this class of literature the output is small. In *Jocelyn Cheshire* (1901) Sara Beaumont Kennedy contributed a stirring novel of the Revolution, but she "rather uses the state at that time as background for the story than makes any attempt to recreate the period in the form of fiction." James Boyd succeeded much better both in recreating and in interpreting the Revolution in *Drums* (1925); two years later he did the same service for the Civil War period in *Marching On.* The first novel of the Reconstruction Era was Albion W. Tourgee's *Fool's Errand* (1879), a contemporary interpretation of the period by an important actor in it. The interpretation of the subsequent generation is set forth in Thomas Dixon's historical trilogy, *The Leopard's Spots, The Clansman,* and *The Traitor,* in which he attempted to give voice to the silent South "in answer to the misrepresentations and slanders of Northern writers."[14] For the literary qualities of these stories not much can be said; but their tremendous popularity in every section of the country, both as novels and as motion pictures, and their undoubted influence in modifying the views of the country on Reconstruction and the South's position on the race question made their publication an event of historical if not of literary importance. Even less successful, because no more true in fact and in spirit, and much less dramatic, was the effort of Walter Hines Page to interpret the North Carolina of the seventies and eighties in *The Southerner,* a thinly veiled autobiography published over the *nom de plume* of Nicholas Worth. The most prolific of the state's novelists of

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[13] See "North Carolina Fiction" by Thomas P. Harrison, *Proceedings of the State Literary and Historical Association,* 1914, 87-91.

[14] "Thomas Dixon, Jr.", by John Charles McNeill, *Biog. Hist. of North Carolina,* VII, 90.

the period was Mrs. Frances Christine Fisher Tiernan, who wrote under the pen-name of Christian Reid. She published all told twenty novels, the best of which deal with southern life. Her *Land of the Sky,* a novel of the North Carolina mountains, gave to western North Carolina its picturesque name.

In the short-story North Carolina has even less to show than in the novel. To mention Margaret Busbee Shipp and Paul Green is to exhaust the list. None of Mrs. Shipp's stories have been published except in the periodicals in which they originally appeared. Mr. Green has collected a volume of his stories of North Carolina life under the title of *Wild Fields* (1928). To American literature in its larger sense the state gave William Sidney Porter (O. Henry), and Wilbur Daniel Steele, but although both were born in North Carolina neither drew any of his inspiration from the state.

This brief review is sufficient to show that North Carolina has not been as adequately interpreted in fiction as have other southern states. "Every dramatic period in the life of Virginia has been mirrored in the stories of Mary Johnston, John Esten Cooke, Thomas Nelson Page, and Ellen Glasgow. These writers have done their work, too, with an artistic sureness of touch that places it among the permanent literary achievements of the nation. James Lane Allen, John Fox, and Alice Hegan Rice have crystallized in fiction certain phases of life in Kentucky; and Charles Egbert Craddock has similarly portrayed with keenest insight and loving sympathy the lives and characters of the Tennessee mountaineers. Equally valuable service has been rendered by George W. Cable, Ruth McEnery Stuart, and Grace King to Louisiana. Georgia also is peculiarly rich in fiction that represents her varied picturesque life. Richard Malcolm Johnston, Joel Chandler Harris, Harry Stillwell Edwards, and Will N. Harden have depicted with skill and with characteristic humor the past of the old Cracker State."[15] The only writer of North Carolina fiction whose work entitles him to a place in this list is James Boyd, a North Carolinian by adoption.

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[15] Harrison, *op. cit.,* 87.

The Poets

While a number of *post-bellum* North Carolina poets wrote good verse, only a few published their work in permanent book form.[16] Some of the more notable collections are *Poems* (1869) and *Passion Flower and Other Poems* (1883) by Theophilus H. Hill, whose work links together ante-bellum and post-bellum North Carolina; *Elsinore and Other Poems* (1889) by Joseph H. Gillespie; *The Palace of the Heart* (1905) by Pattie Williams Gee; *Leaves of Life* (1910), *Ways of Men* (1911), and *By-Ways* (1912) by Samuel H. Lyle, Jr. Olive Tilford Dargan, a native of Kentucky who adopted North Carolina as her home, has won wide recognition as a writer of prose and poetry. In 1916 her volume of sonnets entitled *The Cycle's Rim* was awarded the New York Southern Society's prize of $500 for the best literary work published by a southerner during the year. Two volumes from the pen of Benjamin Sledd are *From Cliff and Scaur* (1897) and *Watchers of the Hearth* (1901). In any list of North Carolina poets, Dr. Sledd's name would be found near the top. He is at all times the artist, whose work is characterized by purity of form and perfection of style. His poems express chiefly personal sentiments and convictions of universal application, and he owes less to the inspiration of locality than any other North Carolina poet. The best interpreters of North Carolina life in poetry are John Henry Boner (1845-1903), Henry Jerome Stockard (1853-1914), and John Charles McNeill (1874-1917).

Boner spent his literary career chiefly in New York where he served successively as literary editor of the New York *World*, on the staff of *The Century Dictionary*, and as editor of *The Literary Digest*. In 1883 he published his first volume, entitled *Whispering Pines;* a second volume under the title of *Boner's Lyrics* (1903) was published posthumously. The range of his verse includes "flawless" lyrics, "stirring ballads," "tender mel-

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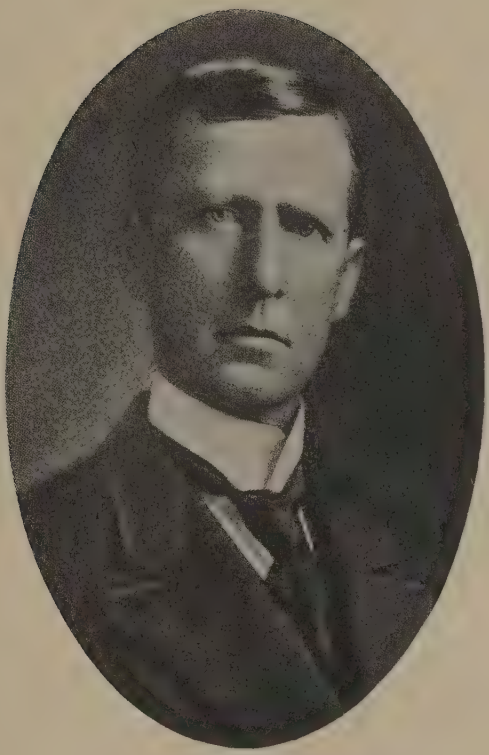
[16] "North Carolina Poetry" by Ernest L. Starr, *Proceedings of the State Literary and Historical Association*, 1914, 103-110.



HENRY JEROME STOCKARD

odies," and "grave sonnets."[17] His lips phrased "songs of high imagining and well-nigh impeccable workmanship." "From ballad to sonnet his technique is unfaltering. It is the smoothness of well-polished art, because he added minutely careful finish to true poetic insight."[18] Perhaps he reached his highest art in "Poe's Cottage at Fordham," characterized by Stockard as "matchless stanzas." His volumes contain numerous poems of his own state, "poems of sentiment, of nature, of imagination."

Stockard has been well named "the Poet Laureate" of North Carolina. "His gift of song was first of all consecrated to the service and pleasure of his own state and her people. He was ever ready upon request to lay his muse under tribute for the public celebration of any notable event in the history of his state and for fittingly honoring the memory and deeds of her illustrious sons."[19] In his patriotic poems of occasion he symbolized the "great renascent South," and sometimes rose to great heights. But Stockard was more than a writer of occasional verse. He was as well a master of the sonnet, in which he showed "a passion for the infinite," and of the lyric, some of his serenades and lullabies being "among the best in the language."[20] He loved nature and had "the poet's gift to see the beauty in commonplace things," "to hear music in commonplace sounds," and to interpret both for commonplace men. His collected verse is represented in a little volume published in 1897 entitled *Fugitive Lines;* but many of his best poems appeared after that date. He was arranging for a new volume when death cut short his career.

John Charles McNeill died before reaching the maturity of his powers, leaving two volumes, *Songs Merry and Sad* (1906) and *Lyrics from Cotton Land* (1907). He drew his themes from "the daily round of experience," and was, as Professor

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[17] Stockard, Henry Jerome, "Introduction" to *Poems* by John Henry Boner.

[18] Starr, *op. cit.*, 107.

[19] "Henry Jerome Stockard," by James Y. Joyner, *Proceedings of the State Literary and Historical Association*, 1914, 61-70.

[20] "Henry Jerome Stockard," by Leonard Charles Van Noppen, *Biog. Hist. of North Carolina*, V., 383-394.

Henderson says, "preeminently the poet of the common life, a singer of the farm, the field, the home." "No better delineation of rural life and of the negro nature is to be found in Southern poetry." His highest reaches are found in his poems of nature, but it was the nature of his native hills in her gentler mood rather than in her grander aspects that inspired his genius. His chief merit lies in the fact that he "gave expression to the mood and circumstances of his people."[21]

North Carolina history and tradition find a close rival in nature as a source of inspiration for North Carolina poetry. In the Lost Colony of Roanoke, Stockard found the theme for his "Sir Walter Raleigh" and Sledd for his "Vision of the Milk-White Doe" and his "Wraith of Roanoke." Haywood's "The Flint-Lock Rifle" is a stirring ballad of the campaign of the Highland Scots and their defeat at Moore's Creek Bridge in 1776. The heroism of the Confederate soldier and the tragedy of the South inspired more and better poetry than any other historical theme. There are, to mention a few of the best only, Fuller's "The Sunflower"—a tribute to James Johnston Pettigrew; McNeill's "M. W. Ransom"; Mrs. Tiernan's "Alabama"; and Miss Gee's "Mater Mea, Carolina." But for the best poetical interpretation of the Confederacy one must turn to Stockard; his "Over Their Graves," "The Review of the Dead," "To a One-Armed Confederate," and "The Southern Dead," are all excellent, while his "The Last Charge at Appomattox" has justly been called "one of the greatest of war lyrics."[22]

Much of the best work of the North Carolina poets are poems of nature. In "Hatteras," Joseph W. Holden produced what Stockard called "a poem of power, worthy its theme." Boner expressed the exile's yearnings for home in his "Hunting Muscadines," "Moonrise in the Pines," and "The Moon-Loved Land." A wide range of imagination is seen in Brimley's lively lines on the "airy forms" of "The Royal Terns of Royal Shoals," on the one hand, and Miss Dickson's verses on the "mysterious

[21] "John Charles McNeill," by Josiah William Bailey, *Biog. Hist. of North Carolina*, VII, 312-317. Dr. Henderson's article appears in *ibid*, 317-326.

[22] Van Noppen, *op. cit.*, 393.

majesty" of the sombre Blue Ridge in her "Greeting to Grandfather Mountain," on the other. McNeill could find inspiration in such widely different subjects as "A Caged Mocking-Bird" and "The Rattlesnake," but he reached the climax of his art in his "October." Stockard, too, wrote poems of nature that

JOHN CHARLES MCNEILL

may rank in quality if not in quantity with the best in American literature. Among his best are "On Hatteras Bar," "The Mocking-Bird," "As Some Mysterious Wanderer of the Skies," and "The American Eagle," "one of the most notable songs ever written."[23]

CAROLINA FOLK-PLAYS

Efforts to create a native drama centered in the work of the Carolina Playmakers, founded in 1918 by Prof. Frederick

[23] *Biographical History of North Carolina*, VII, 394.

H. Koch at the University of North Carolina.[24] Professor Koch describes the organization as "a fellowship of young playwrights, players and craftsmen in stage-art, united by a common interest in the establishment of a native folk-theater." The plays written and produced by the Playmakers are based on materials drawn by the writers from folk-tales, history, tradition, and present-day life in North Carolina. Ten of them have been published in two volumes under the title of *Carolina Folk-Plays,* the first series in 1922, the second in 1924. Written entirely by sons and daughters of North Carolina, they are, as Professor Koch says, "wholly native,—simple plays of the locality, of common experience and of common interest. . . . There is in these plays something of the tang of the North Carolina soil. There is something of the isolation of her mountains and their sheltering coves; something of the sun and the wind of the farm lands; of the shadowy thickets of Scuffletown Swamp; something, too, of the loneliness of the lives of the fisherfolk on the shifting banks of Nags Head or Cape Lookout."

The wide reach of the Playmakers may be seen from the following facts: In the first six seasons of their existence, 1918-1924, they made eight tours of the state, producing thirty-seven of their original plays, by twenty-five different authors; they visited seventy-six different North Carolina towns and played to 65,400 persons. Their plays represented a great variety of scenes, themes and characters in the life of the state, the drab as well as the beautiful, the tragic as well as the comic. There were hostile critics, of course—sensitive souls who shrink from the realities of life, but the masses took the Playmakers to their hearts because they recognized in their offerings a genuine drama of the people. Professor Koch thus describes their experiences on tour:

This season the Playmakers have completed their eighth tour of the state, taking the plays back to the people—often to the very locality in which they originated. The itinerary of the First State Tour, five years ago, included only seven of the

[24] This account of the Carolina Playmakers is based on Professor Koch's "Folk-Play Making" in *Carolina Folk-Plays* (1922), and his "Making a Folk-Theatre" in *ibid,* second series (1924).

larger towns. In the season just closed we have played to approximately twenty-five thousand people in twenty-six North Carolina towns and cities,—in the mountain country, in the Piedmont section, in the tide-water region. Seven hundred people came through the rain from isolated hill-farms to the new consolidated school building at Candler—a mountain settlement with scarcely a dozen inhabitants in the village proper—to witness our Playmaker performance. In the big auditorium at Raleigh we played to an audience of three thousand school teachers from every cove and corner of the state, on the occasion of the annual meeting of the North Carolina Educational Asso-

PLAYMAKERS THEATRE, UNIVERSITY OF NORTH CAROLINA

ciation. In the fashionable tourist resorts of Asheville and Pinehurst; in the teeming industrial cities of Winston-Salem and Durham; in the historic villages of Edenton, Hillsboro and Scotland Neck; in the remote hamlet in the hills, we find the same eager audiences for our theater-of-the-folk.

The Carolina Folk-Plays have caught the popular imagination, and the coming of the little troup is heralded far and wide. They are hailed as "Carolina's Own." Of the *Black Rooster*, a country comedy by Pearl Setzer, *The Raleigh Times* observes, "It reflected a bit of the life of North Carolina today—not only typical of Miss Setzer's hill-country, Catawba County, but of practically every rural section of the state." W. O. Saunders, editor of the *Elizabeth City Independent*, writes, "The home-

folks took to the home-made drama as to home-made sausage and corn-cakes on a frosty morning." The reviewer of the *Greensboro Daily News* says, "*Fixin's* presented a scene of such stark and terrible reality as to make at least one person in the audience want to rise up and say, 'This thing has got to be stopped.'" In the *Charlotte Observer*, the dramatic critic hails the plays "as much a part of North Carolina as its pine forests, its mountains and its soil." And the editor of the *Daily Free Press* at Kinston, sums it all up with a rousing, "Let's have more of them!"

Two North Carolina dramatists, who have been influenced by the Carolina Playmakers, are Hatcher Hughes and Paul Green. Though the former had no connection with the Playmakers, it was undoubtedly their work in revealing the richness of Carolina life in dramatic materials that turned his attention away from such formal themes as that treated in his *Wake Up Jonathan* to the richer folk material which forms the basis of his *Ruint* (1920) and his *Hell Bent for Heaven* (1922), two stirring dramas of the Carolina mountains. For the latter he received, in 1924, the Pulitzer Prize in playwriting. Paul Green, on the other hand, whose plays of North Carolina life have won for him a national reputation, received his training as a member of the Carolina Playmakers. Two of his earliest efforts—*Fixin's* (written in collaboration with Erma Green) and *The Last of the Lowries*—appear in the two volumes of *Carolina Folk-Plays*. Since their publication, Mr. Green has brought out four volumes of plays, one of which includes *In Abraham's Bosom*, which was awarded the Pulitzer Prize in 1927.

The Struggle for Intellectual Freedom

One of the most striking signs of intellectual progress in North Carolina during the period under discussion was the waning influence of what Walter Page called "that queer sect, 'The Excoriators.'"[25] Survivors there were, of course—in the church, in the state, in the schools, in the press, and in industry; but by 1925 they had lost their power to silence the Hedricks and the Helpers, or to drive them into exile.

[25] See his letter on this subject in Burton J. Hendrick, *Life and Letters of Walter H. Page*, I, 81-83.

The dominant note in the intellectual life of the period was freedom—freedom from the shackles of tradition, freedom of criticism of contemporary conditions, freedom of research, freedom to proclaim the truth in all fields of human activity. In history Saunders discarded the cherished tradition that North Carolina was settled by religious refugees; Bassett demonstrated that Alamance was not the first battle of the American Revolution; Haywood overthrew the traditional view of Tryon as a bloody tyrant and depicted him as a cultured gentleman and able administrator; Ashe rejected the authenticity of the "Mecklenburg Declaration of Independence." There were, too, critics of literary standards,—Ernest L. Starr, Stephen B. Weeks, Gerald W. Johnson, T. P. Harrison, Archibald Henderson,—who frankly told the state that its estimate of its literature was much too high. Social conditions came in for equally frank and free discussion; Knight pointed out the imperfections of the public schools; Wilson called attention to the state's low rank in library activities; Kate Burr Johnson exposed the bad conditions in prison camps; Branson published statistics showing the economic, and Green wrote gripping drama depicting the social tragedy of the tenant farmer; Bassett and Coon criticized the attitude of the whites toward the negro; Nell Battle Lewis mercilessly satirized the fads and foibles and fancies of her contemporaries; while Poteat successfully challenged the right of the church, and Chase the right of the state, to shackle freedom of speech and of teaching. These critics, of course, did not escape "The Excoriators," but they all survived because North Carolina had learned that it is better to take her critics to heart than to stone them.

In the issue of the *South Atlantic Quarterly* for October, 1903, the editor, John Spencer Bassett, published an article written by himself entitled "Stirring up the Fires of Race Antipathy." It was a calm, scholarly discussion of race prejudice, in the North as well as in the South. The article was less a criticism than an explanation of an acknowledged fact which the writer traced, in part at least, to the white man's feeling of racial superiority, to his unconscious resentment at the advance of the negro in education and in economic condition, and to his

hostility to the negro's political activities—"the most aggravating cause of the present antipathy between the races." Although the tone of the article was critical, there was nothing offensive in it unless one chose to read into it an unwarrantable interpretation. And this of course is exactly what was done. Numerous sentences, if lifted from their context, are capable of such misconstruction; one especially was seized upon for public condemnation. In an attempt to emphasize the point that it was "baseless optimism" to hold up Booker T. Washington "as a product of the negro race," Dr. Bassett wrote: "Now Washington is a great and good man, and take him all in all the greatest man, save General Lee, born in the South in a hundred years." Considering the state of the southern mind at that time, it requires no great effort of the imagination to understand how that statement would inflame the passions of the average southerner.

The ink was scarcely dry on the pages of the magazine when the blow fell. From every corner of the South came violent denunciations of the offending professor and demands for his head. One inevitably recalls Dr. Bassett's own statement of how Hedrick, "hunted from the scenes of his childhood like a criminal," was forced to flee from the state. Was Bassett, too, to become an exile for opinion's sake? Apprehensive of the injury his official connection with Trinity College might do it, he promptly placed his resignation in the hands of the trustees. But a new day had dawned in North Carolina, thanks to that very political revolution which Doctor Bassett had so plainly condemned. At Trinity College, students, faculty, trustees rose to meet the crisis with courage and wisdom. The students adopted resolutions of confidence in Doctor Bassett, "entreating him not to resign"; the faculty drew up a strong memorial to the trustees urging them to take a firm stand for "the cause of academic freedom"; and the trustees after an all-night session declared that they would not lend the college "to any tendency to destroy or limit academic freedom" and declined by a vote of 18 to 7 to accept the proffered resignation.[26]

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[26] For the documents in the Bassett case see *South Atlantic Quarterly*, Oct. 1903 and Jan. 1904.

The result was widely hailed by liberal-minded men as a great victory for intellectual freedom. On the campus of Trinity College the announcement of the decision, though it came between 2 and 3 o'clock of a cold December morning, was celebrated by bonfires and parades. The people of the state generally manifested hearty approval. Outside of North Carolina the incident enhanced the reputation of the state as a forward-looking commonwealth. Walter Page, writing before the action of the trustees was taken, declared that they had the opportunity to make a decision that would be "the most important event in the history of North Carolina in our time; for free speech and free teaching will be won there for all time to come."

But the right of "free speech and free teaching" was not to be won by a single victory. Trinity College was a private institution; was it possible for public educational institutions to set up an equally high standard of intellectual freedom? The answer came hard upon the heels of the Bassett case. In 1909 Charles L. Coon, superintendent of the public schools of Wilson, in an address before the Conference for Education in the South in session at Atlanta, undertook to show from official statistics that the negro public schools in the South were not a financial burden to the whites; that, on the contrary, if the negro were allotted his per capita share of school taxes paid by corporations, which were neither white nor black, the amount added to what he paid for school purposes on his own property would make a total of more than was actually spent on negro public schools.[27] The speech was intended as an answer to the proposal that the public school fund in the southern states be divided between the two races on a basis of what each paid. Mr. Coon's speech was given wide national publicity and became the subject of editorial comment in every section of the United States. In the South it raised a storm of criticism. Egged on by powerful newspapers, his critics charged him with purposely falsifying his figures; with slandering the South; and with pandering to the "negro-loving North." Extremists demanded his dismissal

[27] The speech was printed under the title of *Public Taxation and Negro Schools* by the Committee of Twelve for the Advancement of the Interests of the Negro Race.

from office and called for his expulsion from the society of white people. "What on earth," inquired one heresy hunter, "are the people of Wilson thinking about that they are content to allow a man like Coon to have any sort of office in their community?" The offender, he declared "should take himself out of the society of white people, or be made to do it."[28] But the trustees of Trinity College had flashed a light for the guidance of liberal men, and the trustees of the Wilson Public School followed the gleam. Standing loyally by their superintendent, they expressed full confidence in him as a man and as an educator and condemned the assaults on him as "cruel and intolerant."[29]

The struggle for intellectual freedom reached its climax in 1925 when it became merged with the nation-wide contest between Modernism and Fundamentalism. In North Carolina the Modernists found a leader and spokesman in William Louis Poteat of Wake Forest College, an eminent biologist, "who for a generation has stood out uncompromisingly as a champion of the theory of evolution." Upon him, accordingly, the Fundamentalists turned their guns, determined to drive him out of the presidency of the college, which he had filled with conspicuous ability since 1905. The contest was followed with keen interest throughout the South, for it was generally recognized that it involved much more than a mere denominational policy. It raged furiously in the press, secular as well as ecclesiastical, in the pulpit, and in the forum. President Poteat met the situation with characteristic frankness and ability. He declined to resign, declaring that he could not let the college surrender on so vital a question.

An opportunity came for him to state his views in final and authoritative form when he was invited by the University of North Carolina to deliver the John Calvin McNair lectures in 1925. John Calvin McNair, an alumnus of the University, of the class of 1849, had left to the University an endowment, which became available in 1906, for an annual series of lectures "by some able scientific gentleman," the object of which was "to show the mutual bearing of science and theology upon each

[28] Letter of Thomas B. Gregory in *News and Observer*, Oct. 17, 1909.
[29] *News and Observer*, Oct. 22, 1909.

other, and to prove the existence of attributes (as far as may be) of God from nature." As his theme, Dr. Poteat chose to answer the query, "Can a Man be a Christian To-Day?" The implications of his subject and the circumstances under which it was to be discussed excited tremendous popular interest, and the lectures were attended by unprecedented crowds. Standing squarely by his convictions, Doctor Poteat presented what a competent critic has called "the most authoritative discussion of the relation between science and religion that has been written in the South."[30]

That the lectures did not satisfy the Fundamentalists goes without saying. They prepared, accordingly, to carry their fight to the Baptist State Convention called to meet at Charlotte in November. Doctor Poteat was on hand ready to meet the attack. To a large gathering of Wake Forest alumni held while the convention was in session, he is reported to have said: "I decline to be whipped out of a position on an issue that involves the position and responsibility of my *alma mater;* the institution has stood for truth no matter what little window it has shone through."[31] The liberal element in the Baptist Denomination stood squarely behind him, and his opponents dared not force the issue. He continued at the head of Wake Forest College until his voluntary retirement on account of age in 1927.

In the meantime a similar contest was being waged in the field of public education. In 1924 Governor Morrison created something of a sensation in the state by causing two biology texts, recommended for use in high schools, to be thrown out because he disapproved of their treatment of evolution. He proclaimed his hostility to any text-book which "prints pictures of a monkey and a man on the same page." The Fundamentalists hailed his action with great enthusiasm; "it was the greatest act that any governor of any state ever did," declared a popular evangelist, "and one for which he will be remembered long after he is dead."[32]

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[30] Mims, Edwin, *The Advancing South*, 307.

[31] *Greensboro Daily News*, Nov. 19, 1925.

[32] Statement attributed to Rev. M. F. Ham, *News and Observer*, Feb. 25, 1924.

Governor Morrison's action led to the introduction in the Legislature of 1925 of a resolution to outlaw the teaching of evolution in any state-supported school. The public followed the legislative history of the resolution with intense interest mingled with much amusement. At the hearing before the committee on education, to which it had been referred, the legislative halls "were jammed," and later when the report of the committee came up for consideration by the House of Representatives the crowd packed the chamber so closely that the House was forced to adjourn.[33] The report of the committee on education was unfavorable to the resolution, and the effort to stampede the House into accepting the minority report in its favor failed; the resolution was finally killed by a vote of 64 to 46. A similar resolution, introduced in the Legislature of 1927, excited little interest and received less support; North Carolina was not ambitious for a Dayton trial.[34]

Chief of those who appeared in opposition to the resolution in 1925 was President Harry W. Chase of the University of North Carolina. Alone of all the college officials in the state he dared raise his voice in behalf of the right of "free speech and free teaching." His position was sustained by the students and faculty of the University, and both he and the institution came in for violent attacks from Fundamentalists. However the trustees stood firmly behind their president, who had greatly strengthened himself as an educational leader in the state and in the South. Aycock's promise of 1900 that there should be "freedom of thought, of criticism and of action" in North Carolina had become a reality!

Religious Development

In religious doctrines and practices the people of North Carolina remained conservative, if not Fundamentalist; nevertheless in material growth the historic religious bodies—Quakers, Epis-

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[33] *News and Observer*, Feb. 11, 1925.

[34] For a fuller account of the anti-evolution movement see "Monkey or Mud in North Carolina," by E. W. Knight in *The Independent*, May 14, 1927.

copalians, Baptists, Presbyterians, Lutherans, Moravians, German Reformed, Methodists, and Catholics—kept pace with the economic and social development of the state.[35] Within recent times a few of the more radical Christian sects, such as the Seventh-Day Adventists, the Universalists, the Church of the Latter Day Saints, and the Pentecostal Holiness Church, have appeared in the state but their growth has been small and their influence negligible. All told there are listed in the United States census of 1916 about fifty different religious bodies in North Carolina. All of them, except four of the minor groups, showed an increase in membership over their membership of 1906. In numbers, both of whites and negroes, the Baptists and the Methodists were far in the lead, being followed at some distance by the Presbyterians, the Lutherans, the Christians, the Episcopalians, and the Catholics in the order named.

Churches of all denominations showed a healthy growth during the decade, 1906-1916. The highest rate of increase was made by the Southern Baptists, with a total of 300 new church organizations for the decade; in 1916, 22 per cent of the church organizations of the state were of this denomination. The next greatest gain was made by the Methodist Episcopal Church, South, with an increase of 130 new organizations. In 1906 the total church membership in the state was 824,385, in 1916 it was 1,080,723, an increase of 31 per cent, although the increase in the total population from 1900 to 1910 was only 16 per cent.[36] A clearer idea of the extent of church membership is obtained from the fact that in 1906 it was 43 per cent of the total population, whereas in 1916 it was 48 per cent.[37] The distribution of church membership by sexes shows that the number of women communicants exceeded the number of men in 1906 by 151,740 and in 1916 by 174,831; nevertheless the rate of increase during

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[35] The latest census reports for religious bodies in the United States are for 1906 and 1916, the 1926 report not yet having been compiled. See also Ashe, *History of North Carolina*, II, 1343-1350.

[36] *Special Reports of the Bureau of the Census: Religious Bodies*, 1906, pt. 1, pp. 242, 341; *ibid*, 1916, pt. 1, pp. 206, 292.

[37] These percentages have to be calculated from the census population reports of 1900 and 1910 and, therefore, are only approximately correct.

the decade was higher for men than for women, the percentages being 36 for the former and 29 for the latter.

In numbers, the Baptists, including the seven denominations bearing that name, led all the others by a considerable margin; in 1906 their 401,043 members were 48 per cent of the total church membership in the state; by 1916 they had more than half the church membership. Next came the nine denominations calling themselves Methodists; in 1906 they numbered 277,282, in 1916, 343,886; nevertheless, although showing a substantial increase in numbers, they did not maintain their relative strength, for in 1906 they numbered 33 per cent of the church members, and in 1916 only 31 per cent. In comparison with these two denominations the number of communicants of the other religious bodies was small. The Presbyterians ranked third with an enrollment of six per cent of the total membership enrollment of all denominations both in 1906 and in 1916. In 1906 the Lutherans ranked fourth, the Christians fifth, the Episcopalians sixth, and the Catholics seventh, but in 1916 the Episcopalians showed a slightly larger membership than the Christians. Preliminary reports for 1926 indicate that the Episcopalians had increased their membership by 80 per cent since 1916; but the advanced reports for the other denominations do not show a similar high rate of increase.

In their material affairs the churches show similar progress. Between 1906 and 1916 the number of church buildings increased from 8,188 to 9,244, and their aggregate value from $14,053,505 to $25,523,423, or 74 per cent. These figures indicate general improvement in church structures, since the average value increased from $1,740 to $2,760. In 1916 five denominations reported church property valued at more than one million dollars each. The Southern Methodists led with property valued at $5,453,145, closely followed by the Southern Baptists with a valuation at $5,188,390; next came the Presbyterians with a valuation of $3,505,615. These figures do not include the value of parsonages. In 1916 the Methodists alone valued their parsonages at more than one million dollars, the Presbyterians at more than half a million, and the Southern Baptists at a little less than half a million. The preliminary reports for 1926 sent out

by the United States Census Bureau clearly indicate an increasing tendency toward larger investments in church property. At that time the Presbyterians alone valued their property in the state at nearly eleven millions.

No less notable has been the contribution of the churches to the social and educational life of the state. Save for an annual appropriation of $30,000 to the Oxford Orphanage, for white children, and $20,000 for the North Carolina Orphanage for Colored Children, the state has confided the care of orphans entirely to the benevolent orders and the churches. The largest and most important of the church institutions are those supported by the Baptists at Thomasville, the Methodists at Raleigh and Winston-Salem, the Presbyterians at Barium Springs, the Episcopalians at Charlotte, and the Catholics at Belmont. Several of the stronger denominations support excellent hospitals. Besides numerous parochial and preparatory schools, the North Carolina churches own and support several junior colleges, fifteen four-year standard colleges, and one university. In no other way, save in distinctively religious work, have they made so great a contribution to the development of the state as in education.

WITHDRAWN